



OFFICE OF PROFESSIONAL STANDARDS
CIVILIAN POLICE REVIEW BOARD

2019 Annual Report

Cleveland, Ohio



CITY OF CLEVELAND

Mayor Frank G. Jackson

Michael M. McGrath, Director
Department of Public Safety

Roger Smith, Administrator
Office of Professional Standards

Michael P. Graham, Chairman
Civilian Police Review Board

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OPS Annual Report (January 1, 2019 through December 31, 2019)

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Message from the OPS Administrator

In 2019, the Office of Professional Standards reached a turning point where it cleared certain longstanding hurdles and was at last in position to take meaningful and transformative steps forward.

Through the sizeable efforts of Hillard Heintze, a backlog of more than 275 cases was cleared, providing the Cleveland community a measure of responsiveness long overdue on those matters. A collaborative cohort of city agencies and officials facilitated the work of Hillard Heintze, from the Cleveland Division of Police ensuring the availability of officers and evidence, to the Information Technology Division providing database equipment, access and support, to the Civilian Police Review Board devoting the extra time needed to hear and decide the additional cases.

This year, OPS has moved ahead with citizen access, public communication and hiring. A revised OPS page on the city website enables community members to file complaints, and complainants to check the status of their complaints, online. OPS staffers have made presentations at the Cleveland State University, Case Western University, the Neighborhood Leadership Institute, the Community Police Commission and several ward meetings of the City Council.

But no steps to strengthen the agency have matched the impact of our hiring. In 2019, OPS welcomed three new staff members: Research Analyst Spyridon Kodellas, General Manager George Coulter and Community Engagement Coordinator Shayla Davis. Each of them has taken the initiative to turn their respective positions, unfilled voids for many months prior to their arrival, into reliable components of the agency's work.

Yet as we approach 2020, I am reminded of a sports phrase: stats don't lie. Continuing a five-year trend, OPS received a total of 220 cases last year, down 3 percent from 2018. The trend could be due to improvements in relations between the Cleveland Police and the community, confidence in OPS' work that has yet to be fully restored, some combination of the two, or some entirely unrelated cause. OPS cannot afford to assume anything other than the considerable work that remains to make OPS an agency that Clevelanders know and trust to handle their complaints against the police.

Sincerely,

Roger Smith

Roger Smith, Administrator
Office of Professional Standards

Message from the CPRB Chair

The CPRB remains dedicated to providing a forum for those seeking resolution of complaints about members of the Division of Police in a fair, impartial, and timely fashion. At the outset of 2019, the CPRB and staff at the Office of Professional Standards (OPS) set a goal of addressing the backlog of hundreds of cases that had accumulated in years past. The CPRB saw this immense backlog as an impediment that undercut public trust in the board and its ability to act as a check and balance. It was imperative for the CPRB and OPS that these cases be resolved to show the public that their complaints would no longer languish, and that when officers did violate policy or the law, they would be held accountable.

To this end, the CPRB adjudicated a total of 384 complaints last year - a massive undertaking that required focus and dedication from all involved. This represented a 70% increase in complaints resolved from the prior year, and necessitated the board hearing several dozen cases on average each month in 2019. I'm pleased to report that heading into 2020, the case backlog has been fully eliminated and our board will now focus on working with OPS staff to maintain a standard of timely resolution for all complaints in a fair and impartial manner.

The CPRB continues to have open dialogue with leadership in the Division of Police and Department of Public Safety regarding the board's role in recommending findings and discipline. The board appreciates the willingness of Chief Calvin Williams to meet with our members to explore perspectives and discuss policy even when our views on particular cases may not align. The CPRB takes its independent oversight role seriously, and will not shy from advancing positions that may be counter to those of police leadership. But the board also is dedicated to working jointly on solutions and considering all voices. To this end, the CPRB remains deeply involved with the federal monitoring team to ensure collaborative achievement of the consent decree.

In closing, I would like to thank my predecessor as chair, Roslyn Quarto, for her focused work guiding the board over the previous two years. Her leadership was a major factor in the board's continued growth and professionalization. And on behalf of the entire board, I would like to thank the tireless and diligent staff of investigators and the entire team at OPS. The board is consistently impressed by their efforts to ensure that investigations are thorough, fair, and trustworthy. In 2020, the CPRB looks forward to continuing its role as an objective, professional, and efficient group that inspires faith from all involved.

Sincerely,

Michael Graham

Michael P. Graham, Chair
Civilian Police Review Board

OPS and CPRB Overview

PURPOSE

To ensure constitutional, lawful, accountable, effective, and respectful policing and to promote public safety, there must be trust between police and the community they serve. For that reason, the City established the Office of Professional Standards (“OPS”) via Charter Amendment, Sections 115-1 through 115-4, effective August 8, 2008.

OPS is an independent agency within the City of Cleveland Department of Public Safety. It has the responsibility of receiving and investigating non-criminal complaints filed by members of the public against sworn and non-sworn Cleveland Division of Police employees. OPS is also empowered to make findings and recommend action to the Civilian Police Review Board (“CPRB”) regarding those complaints.

The CPRB reviews misconduct complaints investigated by OPS and makes recommendations for resolution to the Chief of Police. Prior to recommending discipline or determining that a complaint warrants no action, the CPRB may hold a public hearing. Upon making its decision, the CPRB submits its findings and recommendations to the Chief of Police and notifies the complainant of the disposition.

MISSION

The mission of OPS and CPRB is to increase accountability and improve public confidence in the police by receiving and fairly, thoroughly, objectively, and timely investigating and resolving misconduct complaints against Cleveland Division of Police employees. As part of its mission, OPS is also empowered to make policy recommendations that will improve the citizen complaint process, increase understanding between the public and CDP employees, reduce the incidence of misconduct and reduce the risk of the use of force by CDP officers. OPS and CPRB are committed to providing the community with an accessible and safe environment in which to file complaints and have their complaints heard.

VISION

Through effective community engagement and informational outreach, OPS seeks to grow civilian oversight’s permanent presence within the Cleveland community and in the ongoing citywide conversation.

Our Guiding Principles

The responsibility entrusted by the people of the City of Cleveland to OPS and CPRB is a sacred public trust

The mission of the Office of Professional Standards is to investigate complaints against Cleveland Division of Police personnel in a complete, fair and impartial manner, and present completed investigations to the Civilian Police Review Board for a hearing and disposition

1

We treat all people with courtesy, consideration, dignity, and respect.



2

We strive to maintain good working relationships with the community and with other agencies without compromising our independence.



3

We work to complete investigations without undue delay.



4

We strive to be fair and consistent, explaining our decisions clearly with plain language.



5

We remain committed to our mission and maintain our dedication to these guiding principles despite any challenges that may arise.



OPS: Budget and Staff

The 2019 budget for the Office of Professional Standards (OPS) was \$1,694,727¹. Funds were allocated as follows (Figure 1):

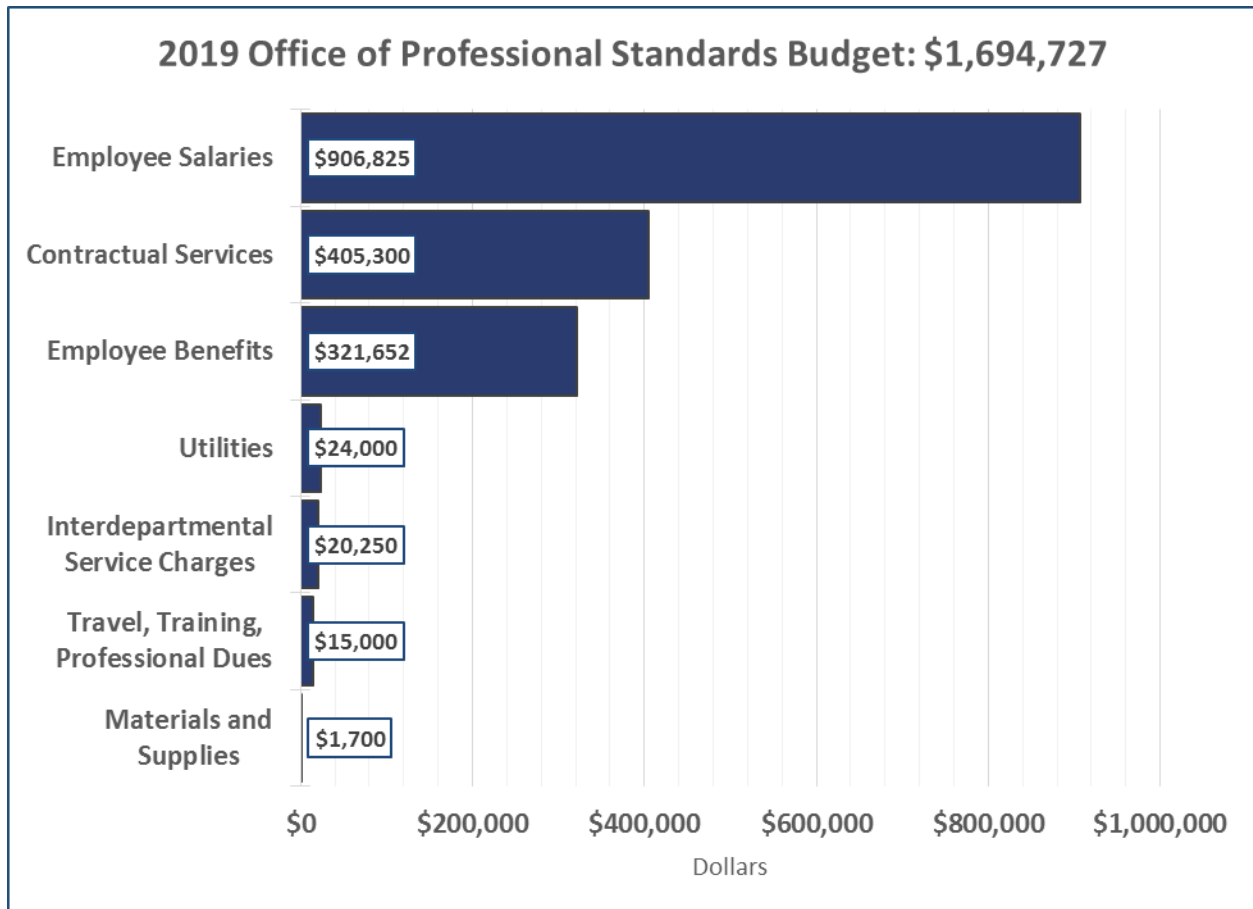


Figure 1: Office of Professional Standards Budget in 2019

At the end of 2019, the Office of Professional; Standards (OPS) had a 15-member staff: An Administrator, a General Manager (hired in 2019), a Supervisory Investigator, a Research Analyst (hired in 2019), a Community Engagement Coordinator (hired in 2019), a Private Secretary, and 9 full-time Investigators.

¹ This budget includes the \$405,300 the City of Cleveland paid to hire Hillard Heintze to address the backlog of cases filed between 2014 and 2017. After subtracting the Hillard Heintze contractual services, the OPS budget for 2019 was \$1,289,427 (in 2018 the OPS budget was \$1,262,307).

CPRB: Budget and Membership

The 2019 budget for the Civilian Police Review Board (CPRB) was \$169,422 (in 2018 the CPRB budget was \$164,050). Funds were allocated as follows (Figure 2):

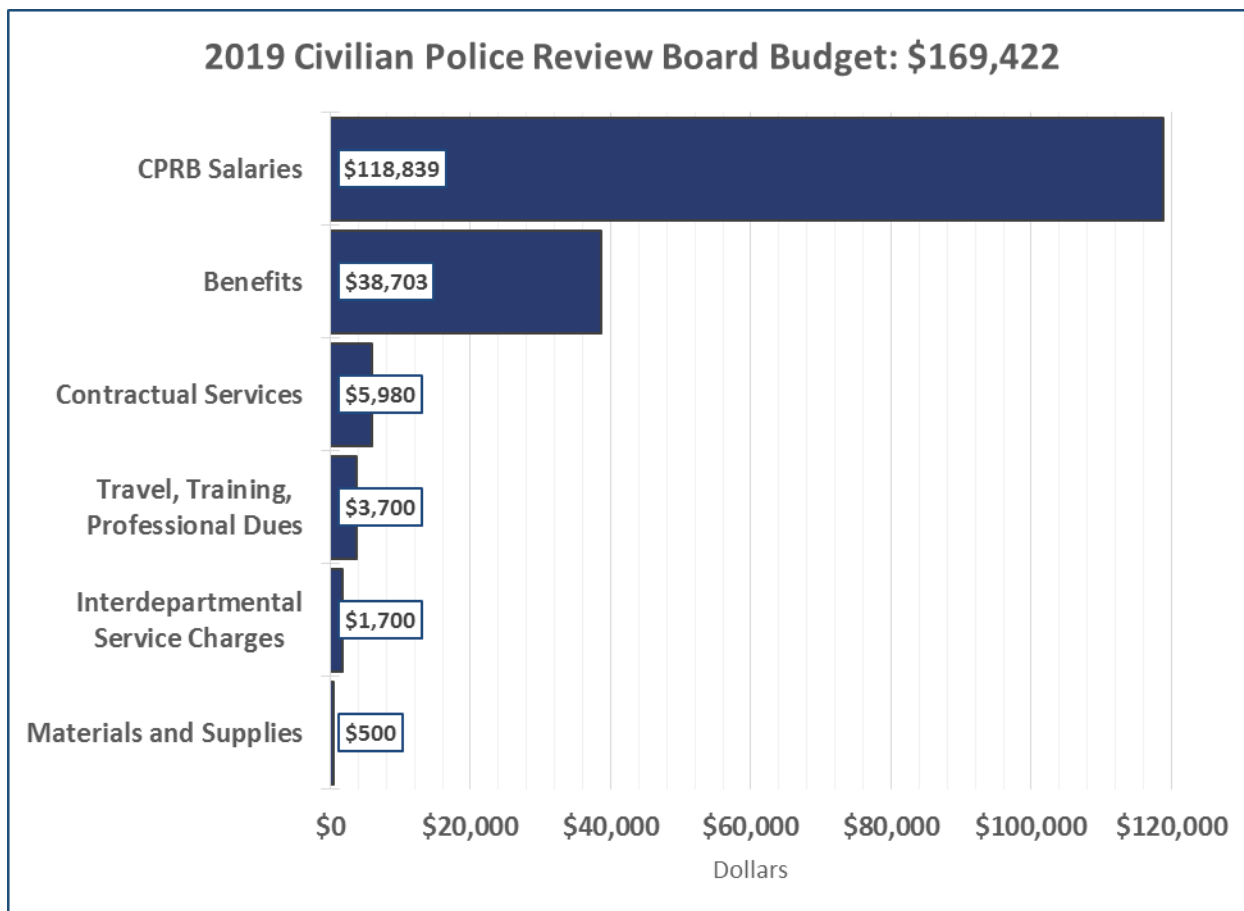


Figure 2: Civilian Police Review Board Budget in 2019

The CPRB is typically comprised of 9 members. During 2019, the Board operated with 8 members for nine months, from February until June, and then again from September until December, 2019. The Mayor appoints five members and the City Council appoints the remaining four members. In an effort to be representative of all of Cleveland's diverse communities, each of the police districts is represented by at least one member who resides in that district. Additionally, at least one member of the Board is between the ages of 18 and 30 at the time of appointment. As required by the Charter of Cleveland, no member of the Board is employed currently as a law enforcement officer and no member is a current or former employee of the Cleveland Division of Police. The CPRB has a full-time employee, a Private Secretary, to handle the administrative duties of the Board.

Biographies of CPRB Members

Michael P. Graham, Chairperson

Michael P. Graham is owner and partner of Cleveland-based Strategy Design Partners, LLC, which is a strategy and communications consulting firm that works with non-profits, public agencies, and businesses. Mr. Graham is also a former assistant Cuyahoga County prosecutor. He still practices law. Mr. Graham was appointed by the City Council. Mr. Graham resides in the Second Police District. His term on the Board expires on February 8, 2021.

Ashley Mostella, Vice-Chairperson

Ashley Mostella was born and raised in the 7th Ward on Cleveland's east side. She was introduced at a very young age to community and volunteer service by her father, Benny Mostella, a manager for many years with the Cleveland Department of Parks and Recreation. Ms. Mostella has volunteered for numerous community initiatives such as the Cleveland Food Bank, Karamus House (painting murals), school supply drives, and community awareness marches. Ms. Mostella has worked in banking, the insurance industry, and as a certified medical sales representative. Ms. Mostella attended the University of Akron and she resides in the Fifth Police District. She was appointed by the Mayor and her term on the Board expires on August 8, 2022.

Mary Clark

Mary Clark has spent more than thirty years working in banking and finance. She graduated from high school in Lexington, Mississippi and has since worked in Cleveland at Huntington Bank, the UPS Store, and KeyCorp. Ms. Clark resides in the Fourth Police District. She was appointed by the Mayor and her term on the Board expires on December 20, 2021.

David Gatian

David Gatian has resided with his family in Cleveland's First Police District since 1989. He is currently a commercial roofing consultant, is a U.S. Green Building Council LEED Accredited Professional and previously served in various human resources management roles. Mr. Gatian is a certified State of Ohio MMA judge and remains active in amateur wrestling. He has provided volunteer services for The Guiding Eyes for The Blind and was an active volunteer supporter of the Cleveland Gay Games. He and his wife, Marie-Josée, are a host family for the Lake Erie Crushers baseball team players in the summertime. He holds a Bachelor's Degree in Finance and Human Resources Management from California State University at Long Beach. He was appointed by the Mayor and his term on the Board expires on August 8, 2020.

Michael P. Hess

Michael P. Hess, Jr., was appointed to fill the board seat set aside for an 18 to 30-year old. A graduate of Case Western Reserve School of Law, Mr. Hess is currently working as a real estate attorney for a company located in downtown Cleveland. Mr. Hess has worked on political campaigns, and has been a legal intern and a legal assistant at several firms including the Cuyahoga County Department of Law. Mr. Hess was appointed by the City Council to fill an

unfilled position that opened on August 8, 2016. He resides in the Second Police District and his term on the Board expires on February 8, 2021.

Kenneth J. Mountcastle

Kenneth J. Mountcastle was born and raised in Brookpark, Ohio and now resides in Cleveland's Third Police District. In 1975, he graduated from Berea High School and enlisted in the US Navy. He served the country proudly for twenty years and retired honorably in 1995 with the rank of Chief Petty Officer. Since 1995, he's held engineering and managerial positions at several companies, including Boeing, Lockheed Martin, Northrup Grumman, Computer Science, and BCT. For two years, he led his own consulting firm, Mountcastle Consulting. Mr. Mountcastle has a Master's Degree in Technical Management from John Hopkins University and a degree in Business Management from the University of Maryland, University College. He was appointed by the Mayor and his term on the Board expires on August 8, 2022.

Roslyn A. Quarto

Roslyn A. Quarto was born and raised in New York and moved to Cleveland in the fall of 2012 and became the Executive Director of Empowering and Strengthening Ohio's People (ESOP) in April of 2013. Ms. Quarto holds a BA from Pennsylvania State University and a JD from St. John's University. She brings a diverse perspective through her experience as a non-profit, government and corporate executive and lawyer. In addition to participating on the CPRB, Ms. Quarto also serves on the Ohio Attorney General's Elder Justice Commission, and on the Board of Directors for the Hebrew Free Loan Association and the Ohio CDC Organization. Ms. Quarto resides in the Second Police District. She was appointed by the Mayor and her term on the Board expires on February 1, 2020.

Ernest G. Turner

Ernest G. Turner retired from the Cleveland Municipal School District in 2009 with more than 30 years' experience in teaching elementary and secondary education. Mr. Turner also served as a basketball, football and track coach during that time. He received his Bachelors of Arts Degree from Central State University in Comprehensive Social Studies and his Master's Degree from Cleveland State University, with a concentration in Diagnosis & Remediation of Reading Disorders. Mr. Turner has also served as a community advocate in his roles as a Precinct Committeeman for Ward 6, a member of the Buckeye Minsters in Mission Alliance, and the Acting President of the Hulda Avenue Street Club. Mr. Turner was appointed by the City Council and resides in the Fourth Police District. His term on the Board expires on August 16, 2021.

Civilian Police Review Board Members			
Member	District of Residence	Appointment	Term Expiration
Michael P. Graham	2nd	City Council	2/8/2021
Ashley Mostella	5th	Mayoral	8/8/2022
Stephanie B. Scalise	5th	City Council	2/8/2021 (Resigned: 09/10/2019)
Mary Clark	4th	Mayoral	12/20/2021
David Gatian	1st	Mayoral	8/8/2020
Michael P. Hess	2nd	City Council	2/8/2021
Kenneth J. Mountcastle	3rd	Mayoral	8/8/2022
Roslyn A. Quarto	2nd	Mayoral	2/1/2020
Ernest G. Turner	4th	City Council	8/16/2021

Table 1: Civilian Police Review Board Members

The Civilian Police Review Board reviews completed OPS investigations and makes recommended findings regarding conduct and discipline and provides an opportunity for citizens who believe they were treated unfairly to voice their concerns

Settlement Agreement / Consent Decree

Following a two-year investigation that concluded in 2014, the U.S. Department of Justice (“DOJ”) notified the City in a December 4, 2014 letter (“findings letter”) that there was “reasonable cause to believe that there was a pattern and practice of excessive force in Cleveland that violated the U.S. Constitution and federal law.”²

As it pertained to OPS, the DOJ determined that “civilian complaints of officer misconduct were not being adequately investigated.”³ The DOJ findings letter stated that deficiencies in the OPS complaint process included “impossibly high caseloads for investigators, the inappropriate and premature rejection of civilians’ complaints, substandard investigations, significant delays in completing investigations, and the failure to document and track outcomes.”⁴

In response to the DOJ’s findings, the City of Cleveland and DOJ entered into a court-enforceable Settlement Agreement that requires the City to make a number of fundamental changes to its police and civilian oversight policies, practices, procedures, training, use of data, and more. On June 12, 2015, the Settlement Agreement, also known as the “Consent Decree,” was approved and signed by the Chief Judge of the U.S. Northern District, Judge Solomon Oliver, Jr.⁵ On October 1, 2015, the Cleveland Monitoring Team was appointed to oversee the City’s implementation of the Settlement Agreement.

Over the course of the 2019 calendar year, the OPS and the CPRB, with the assistance of the Cleveland Monitoring Team and the Department of Justice, have continued working to improve OPS practices and comply with the terms of the Settlement Agreement. Notable improvements include, the hiring of needed additional full-time staff, the continued training of the OPS and CPRB staff members, the updating of procedures as well as the introduction of new protocols designed to create close adherence to the OPS Manual.

² Department of Justice Findings Letter, “Investigation of the Cleveland Division of Police”, pg. 2, <https://www.justice.gov/file/180576/download>

³ Findings Letter, pg. 38

⁴ Findings Letter, Pg. 39

⁵ <http://www.city.cleveland.oh.us/CityofCleveland/Home/Government/CityAgencies/PublicSafety/Police/PoliceSettlementAgreement>

For a fuller description of the City’s progress (and challenges) in implementing the terms of the Settlement Agreement as it pertains to OPS and CPRB, please view the Monitor’s Semiannual reports, which can be found at: <http://www.clevelandpolicemonitor.net/resources-reports>.

OPS Jurisdiction and Complaint Process

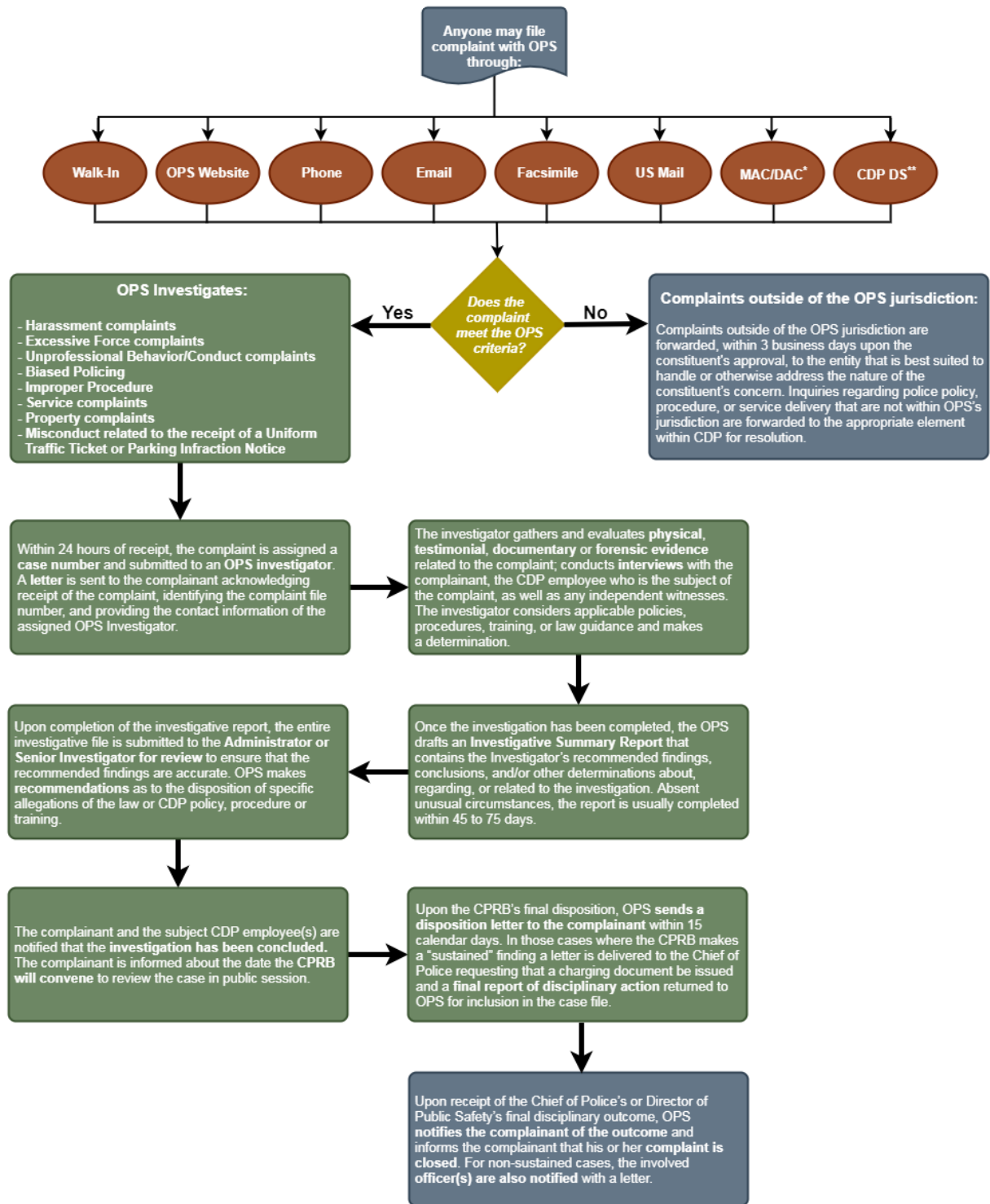
OPS has jurisdiction over the following types of misconduct complaints made against personnel of the Cleveland Division of Police:

1. **Harassment** complaints: to include those alleging bias policing, discrimination, and profiling;
2. **Excessive Force** complaints;
3. **Unprofessional Behavior/Conduct** complaints;
4. **Improper Procedure** complaints, including:
 - a. Improper Arrest
 - b. Improper Citations
 - c. Improper Search
 - d. Improper Stop
 - e. Improper Tow
5. **Service** complaints, including:
 - a. Insufficient CDP employee service
 - b. No CDP service;
6. **Property** complaints, including
 - a. missing property
 - b. damage to property; and,
7. **Misconduct** related to the receipt of a Uniform Traffic Ticket (UTT) or Parking Infraction Notice (PIN) if the Parking Infraction Notice was issued by CDP personnel.

Cases that fall outside of these parameters, and do not allege criminal conduct, are administratively dismissed and referred to the proper agency with the authority to address that matter, whenever possible. Citizen complaints alleging criminal conduct (i.e. theft, assault) are referred by the OPS Administrator to the CDP Internal Affairs Unit that has the responsibility for investigation of alleged criminal acts by CDP personnel.

As can be seen from the following flowchart, citizen complaints may be filed in person at the Office of Professionals Standards (OPS), or by U.S. mail, email, or facsimile to OPS. Citizen complaints may also be filed at the Cleveland Division of Police (CDP) Headquarters, any of the five (5) CDP District Stations, the Mayor's Action Center (MAC), or Director of Public Safety's Action Center (DAC). Since the last months of 2019, citizens have also the ability to file their complaints online, through the OPS website (<http://www.clevelandohio.gov/ops>). All citizen complaints are identified by an OPS file tracking number and then assigned to a civilian Investigator.

OPS Complaint Process



* Mayor's Action Center (MAC) / Director of Public Safety's Action Center (DAC)

** Cleveland Division of Police District Stations (CDP DS)

Once a file tracking number is designated and the complaint is assigned to a civilian Investigator, a preliminary review is conducted. If during the preliminary review it is determined that potential criminal conduct or activity may have occurred, then OPS refers the complaint to the Internal Affairs Unit of CDP. If there is no alleged criminal conduct or activity, then OPS will conduct the investigation. During the course of the investigation, the complainant and any potential witnesses are interviewed, and the assignment and duty reports of the Officer(s) involved, as well as all relevant documentation, are reviewed. The Officer(s) involved is required to respond to the allegations contained in the complaint.

At the conclusion of the investigation, it is reviewed and approved by the OPS Administrator, who then forwards it to the Civilian Police Review Board (CPRB). The CPRB reviews all completed investigations conducted by OPS, deliberates, and determines if a civil violation of policy, training, or rules and regulations occurred. If the CPRB determines that a violation did occur, then it sustains the complaint and accordingly recommends the appropriate discipline to either the Chief of Police or the Director of Public Safety.

When the CPRB recommends discipline, a pre-disciplinary hearing is conducted in which OPS presents its investigation to either the Chief of Police or the Director of Public Safety, or his designated hearing officer. The Officer(s) involved, who is present along with his/her union representative(s), has the opportunity to respond to the charges filed against him/her. The Chief of Police or the Director of Public Safety makes the final decision whether or not to impose discipline against the Officer(s) who was the subject of the citizen complaint.

How complaints are received and investigations are conducted, the process in which the CPRB presides over cases and the results of the CPRB's findings are further outlined in the OPS and CPRB manuals located on the City of Cleveland's OPS website.

OPS Complaints Filed in 2019

Anyone may file a complaint with OPS, including subjects of police incidents, recipients of police services, a witness to a police incident, a third party, a legal representative, an anonymous person, the OPS Administrator, or a member of the CPRB.

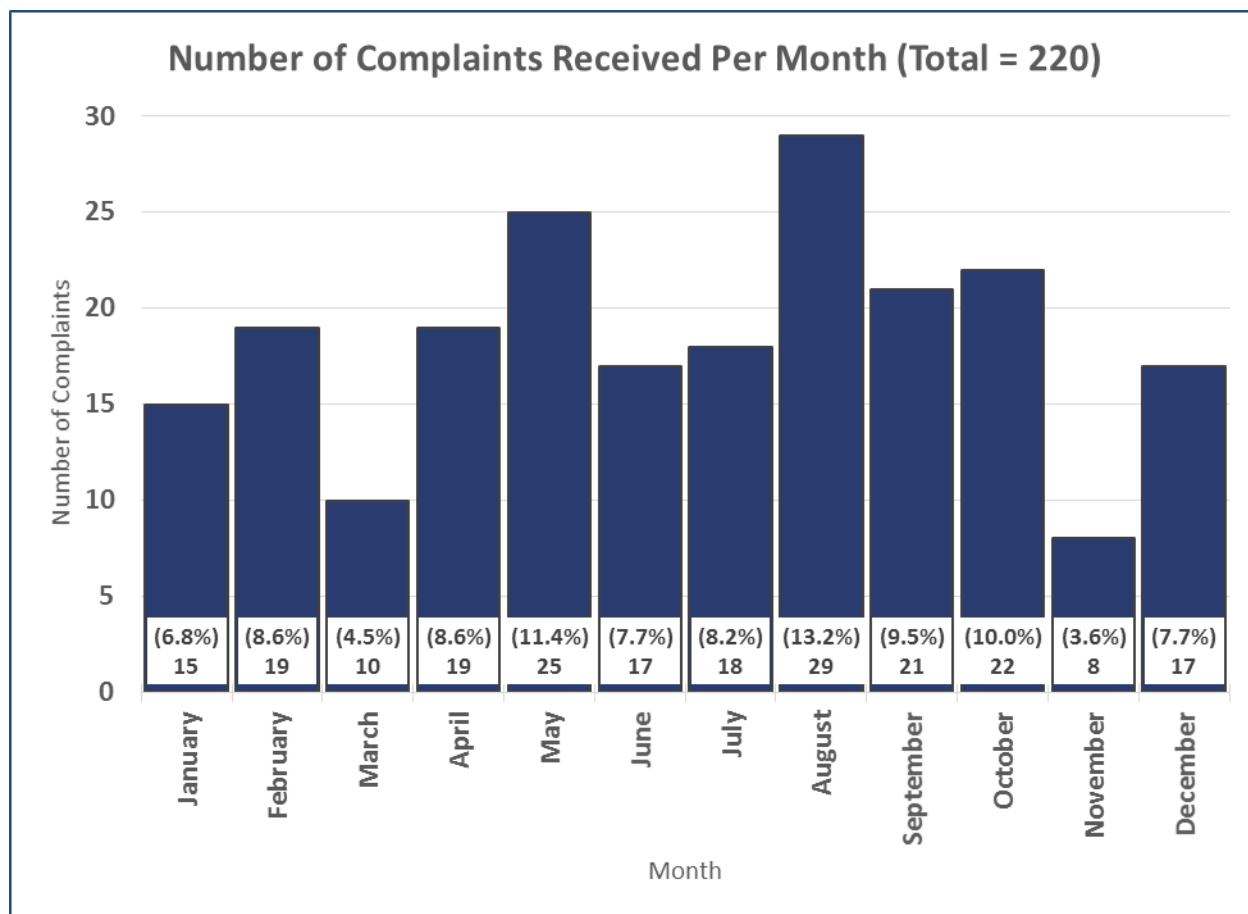


Figure 3: Number of Complaints Received Per Month in 2019

Figure 3, above, details the 220 complaints the Office of Professional Standards received in 2019, a reduction of 3 percent from the 227 complaints received in 2018, making 2019 the 6th consecutive year that the number of complaints has declined (see Figure 4 on next page)⁶. The

⁶ As noted in the Monitor's Fifth Semiannual Report (pp. 89-91), it is hard to know for sure why the numbers of complaints are going down at this time. There are any number of plausible explanations advanced in the Monitor's Report: 1) It could be that new policies and training are, in fact, leading CDP officers to perform less often in ways that lead civilians to make complaints about misconduct or poor performance. 2) It could also be that the Division's implementation of body-worn cameras is leading to better performance by CDP officers. 3) It is possible that fewer people are filing complaints because they lack confidence that doing so will actually matter. 4) Residents may be sufficiently skeptical or distrustful of the Division's discipline system that they

month of August was the busiest for the Office of Professional Standards (29 complaints), followed by the months of May (25 complaints), October (22 complaints), and September (21 complaints).

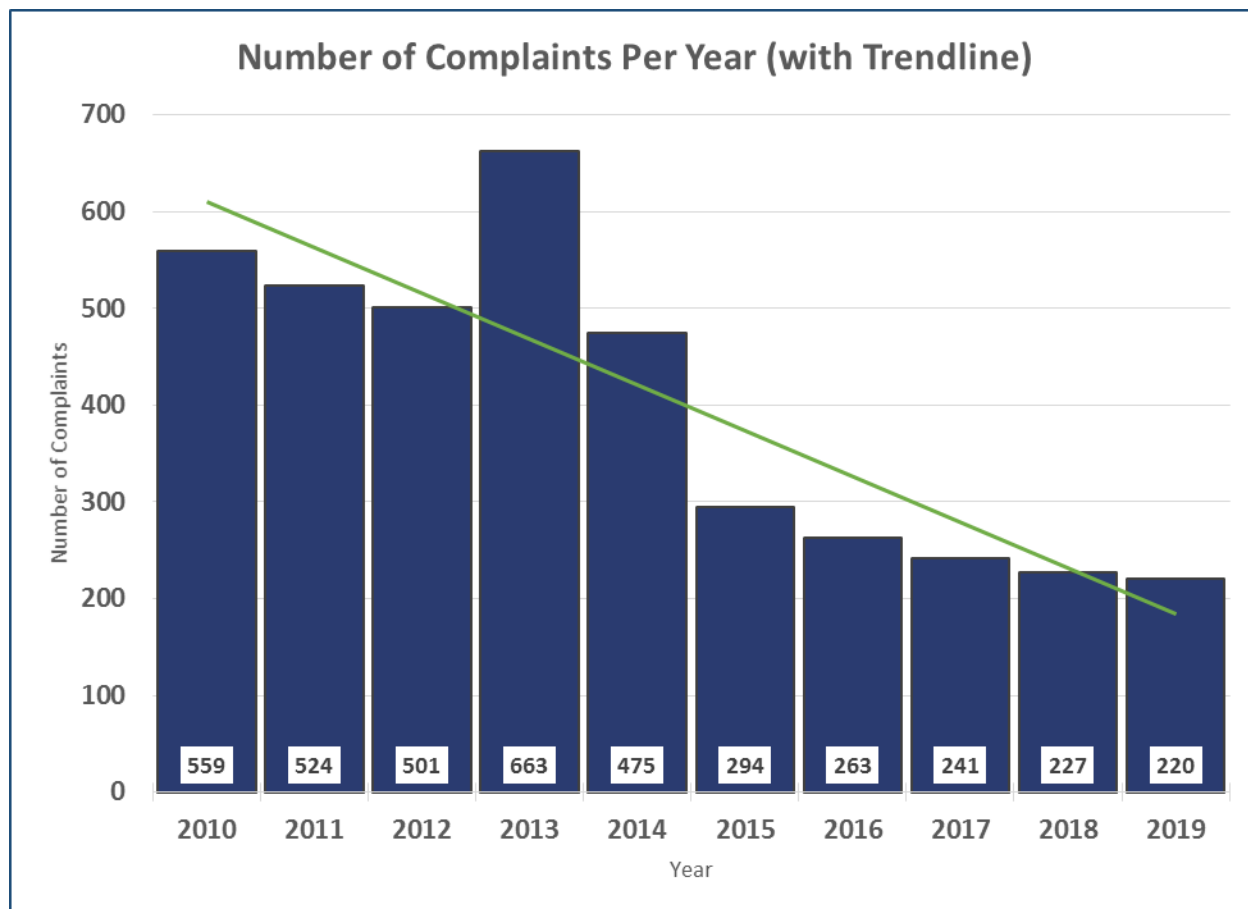


Figure 4: Number of Complaints Per Year Since 2010

assume that, even if a timely and comprehensive investigation affirmed their allegations, the Division may not take sufficient corrective action. For more details, see <http://www.clevelandpolicemonitor.net/news/2018/8/21/fifth-semiannual-report>

How Complaints were Received

Figure 5, below, depicts how the Office of Professional Standards received the 220 complaints that were filed with the Office in 2019. Specifically, 65 complaints (or 29.5 percent) were filed by people who walked in the OPS offices in downtown Cleveland (205 West St. Clair Ave). Another 47 complaints (or 21.4 percent) were filed via the US Postal Service, 36 complaints (or 16.4 percent) were filed via facsimile, and 26 complaints (or 11.8 percent) were filed through Email. Complaints were also filed through the five Police Districts (21 complaints or 9.5%), over the Phone (13 complaints or 5.9 percent), through the Mayor's or Director of Public Safety's Action Centers (11 or 5.0 percent), and via the newly introduced OPS Website (1 complaint or 0.5 percent).

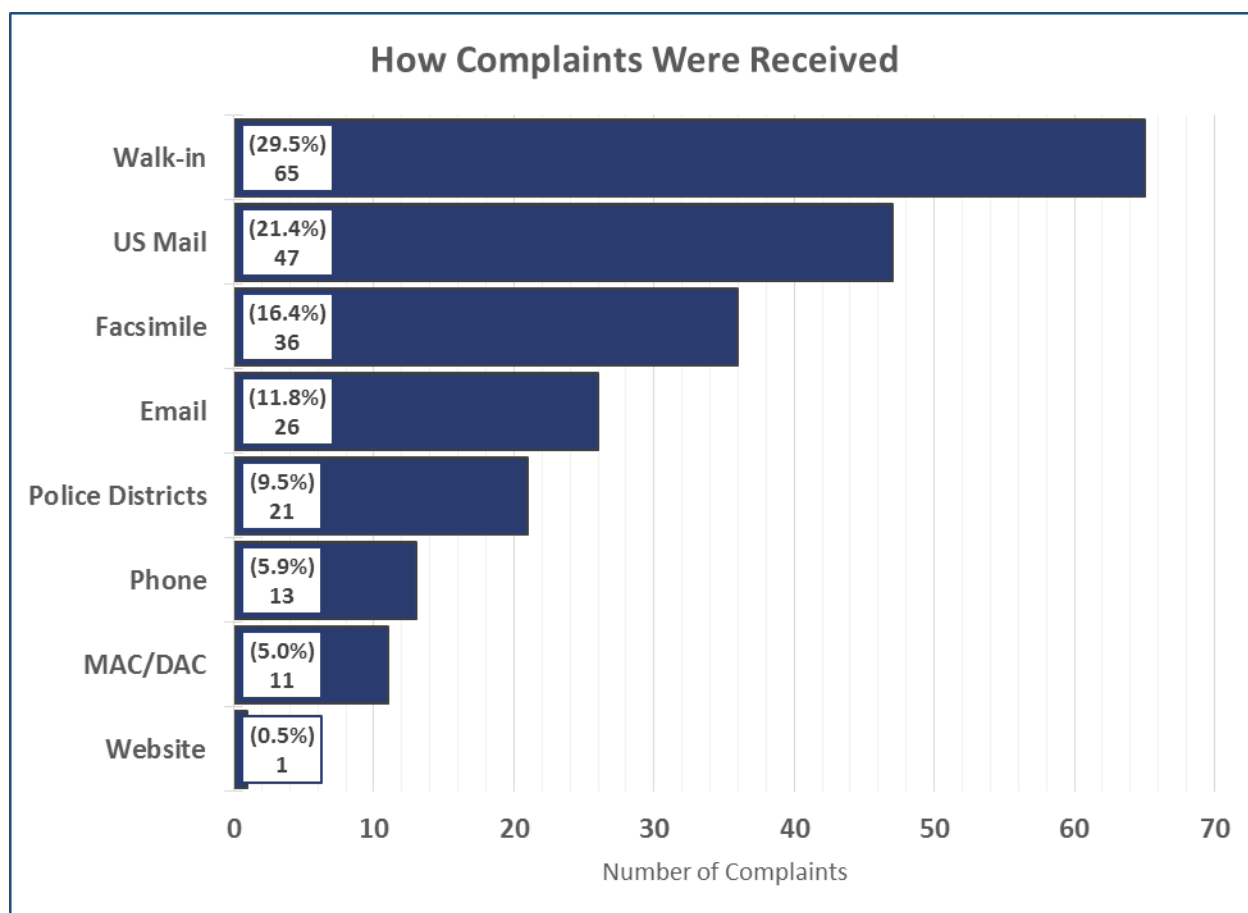


Figure 5: How Complaints Were Received in 2019

Categories and Status of 2019 Complaints

Each complaint received by the Office of Professional Standards may include multiple allegations, and each allegation is investigated. Figure 6, shows the breakdown of the primary allegation⁷ that was made in the 220 complaints received during the 2019 calendar year.

“Unprofessional Behavior/Conduct” is the primary allegation in the highest number of cases (88 cases or 40.0 percent), followed by “Lack of Service/No Service” (53 cases or 24.1 percent), “Improper Procedure” (37 cases or 16.8 percent), “Harassment” (29 cases or 13.2 percent), and “Excessive Force” (7 cases or 3.2 percent).

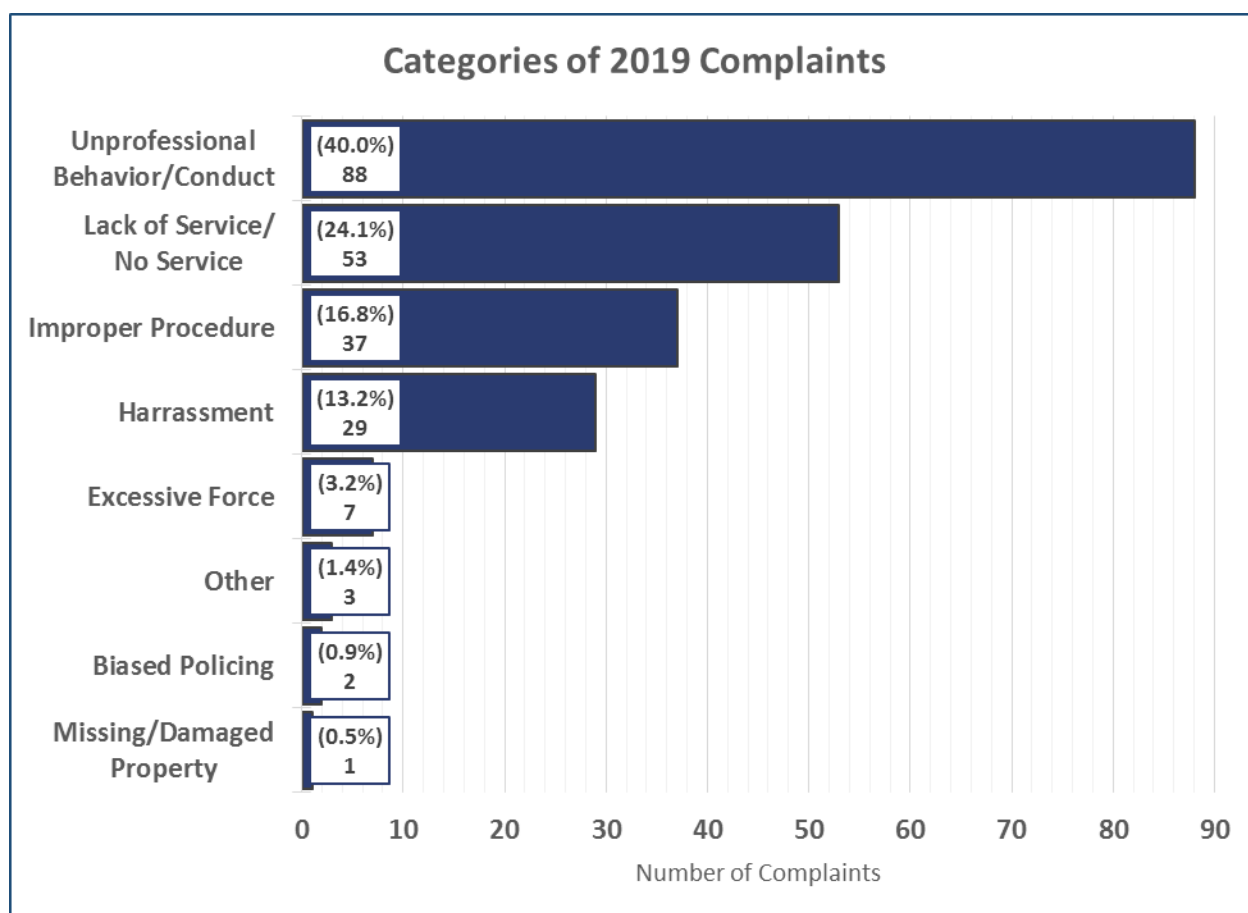


Figure 6: Categories of 2019 Complaints

⁷ The primary allegation is identified from the narrative the complainants provide in the complaint form or during the interview with the Investigator.

Figure 7, below, shows the status of the 220 complaints originating in 2019. Of the 220 complaints, 125 (or 56.8 percent) have been closed and 95 (43.2 percent) remain active. Of those cases that were closed, 63 (or 28.6 percent) received full investigation and were heard by the CPRB and 8 (or 3.6 percent) received full investigation and they are scheduled for CPRB hearing in the first month of 2020. The number of cases that were Administratively Dismissed was 27 (or 12.3 percent) and those Administratively Closed was also 27 (or 12.3 percent)⁸. Of those cases remaining active, in 8 cases (or 3.6 percent) criminal conduct was alleged and thus a copy of the file was forwarded to the Internal Affairs Unit.

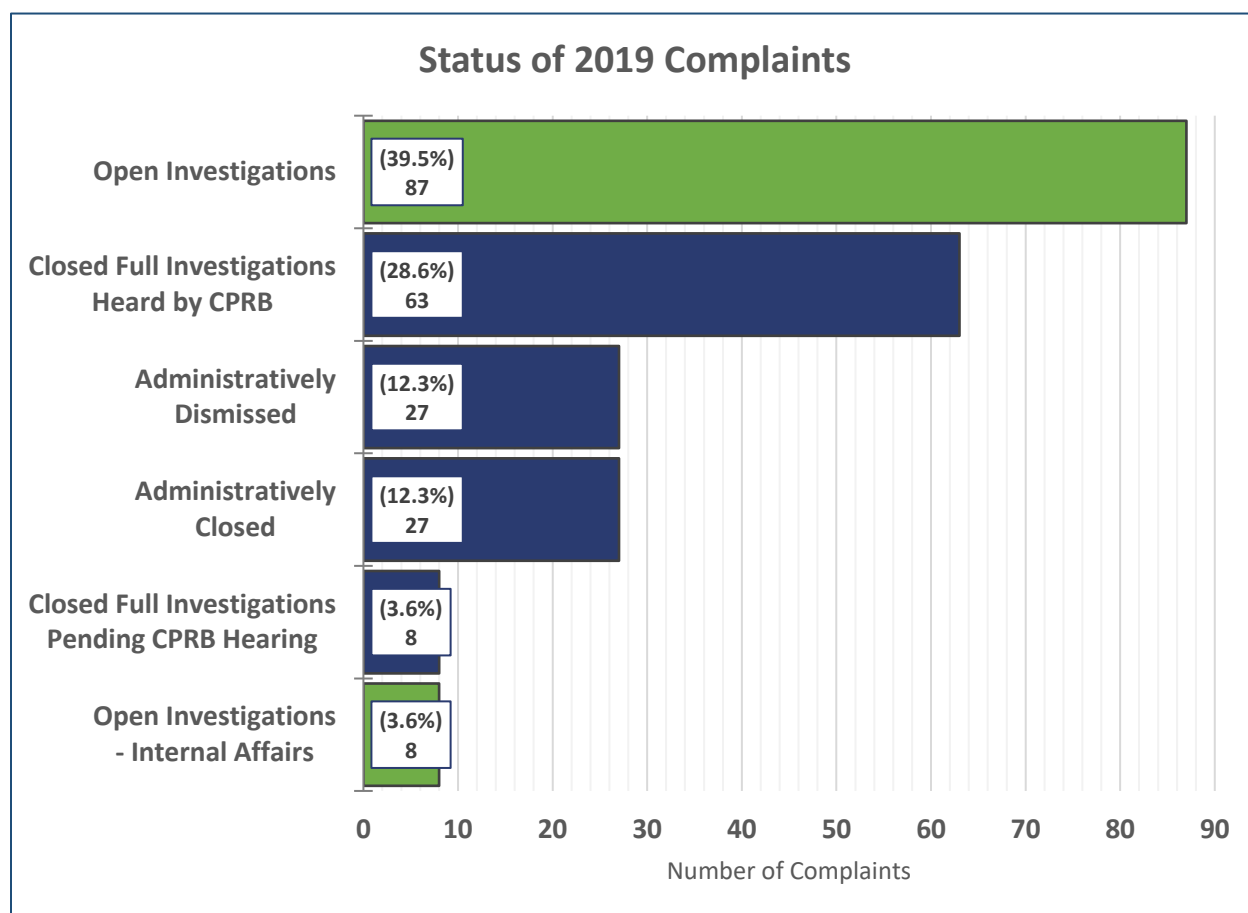


Figure 7: Status of 2019 Complaints

⁸ For a discussion of the difference between “Administratively Dismissed” and “Administratively Closed” cases, see the next section of this report.

OPS Administrative Dismissals and Closures

Figure 8, below, presents a breakdown of the complaints that were Administratively Dismissed or Closed in 2019.

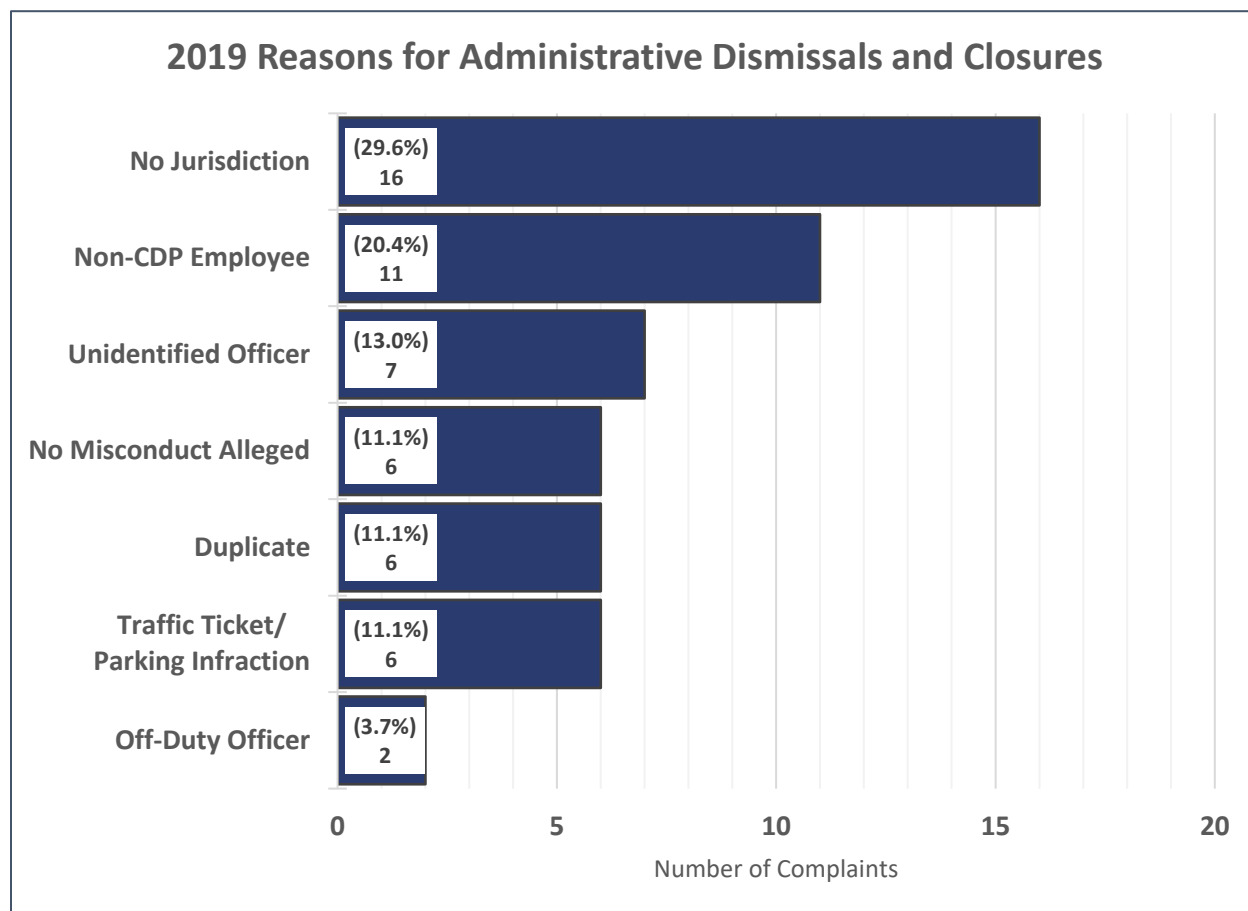


Figure 8: Reasons for Administrative Dismissals and Closures in 2019

As explained in Section 701 of the OPS Policy Manual, complaints may be **Administratively Dismissed** when one of the following criteria applies:

1. The individual complained of is not a CDP employee;
2. The employee referenced in the complaint cannot be identified despite the best efforts of the agency;
3. The preliminary investigation reveals that the delay in police services was due to workload or otherwise unavoidable;

4. The complaint involves off-duty conduct of a civil nature (unless the alleged conduct, or its effects, constitute misconduct or have a substantial nexus to the officer's City employment);
5. The complaint concerns the receipt of a uniform traffic ticket and/or parking infraction notice without any additional claims of racial profiling, illegal search, excessive force, or other allegations within OPS's jurisdiction.

In addition to the Administrative Dismissal process, cases may also be Administratively Closed. In **Administrative Closure** cases may be closed in order to merge or consolidate multiple related cases, when OPS has received duplicate complaints or when a case is opened in error. Cases are merged and consolidated when multiple complaints are received raising the same facts or arising from the same occurrence such that a collective investigation of both complaints would be most effective under the circumstances.

OPS Referrals

If at any time during an OPS investigation, a complainant alleges criminal conduct, a copy of the file is forwarded to CDP's Internal Affairs Unit so that the Unit can conduct a thorough investigation. Regardless of the Internal Affairs investigatory results, the case is returned to OPS to conclude its separate investigation pertaining to the alleged non-criminal conduct or administrative violations. Furthermore, complaints that are outside of the OPS jurisdiction can be referred by OPS to agencies other than CDP for additional follow up.

In 2019, eight (8) complaints were referred to the Internal Affairs Unit. Of these cases, seven (7) are still being investigated and 1 has concluded. The completed Internal Affairs Unit investigation did not result in charges being filed against the officer(s).

Timeliness of Investigations

Complaints that are not referred to Internal Affairs or are Administratively Dismissed/Closed are fully investigated by the Office of Professional Standards (OPS). Investigators gather evidence by taking statements and/or conducting recorded interviews of complainants, CDP employees, and witnesses who may have factual information pertaining to the complaint. Statements may also be taken from persons who have specialized knowledge regarding the complaint or the circumstances related to the complaint.

Additionally, investigators are expected to gather evidence such as reports, activity sheets, 911 calls, dispatch reports, crime scene materials, as well as video or audio recordings that may be related to the complaint. After the Investigator gathers all relevant evidence, the evidence is evaluated and an Investigative Summary Report is drafted. The Investigative Summary Report contains the agency's recommended findings and conclusions about the investigation.

OPS continuously explores opportunities to streamline the investigation process. Figure 9, on next page, presents details about the number of days it took for the 125 completed investigations to be closed in 2019. We can see that it took on average 66 days to complete an investigation (*SD* = 67 days, *Mdn* = 48 days, min = 1 day, max = 281 days).

The timeliness of investigations is a continuing priority for the Office of Professional Standards. Timeliness depends upon several aspects, including but not limited to: the number and complexity of the complaints filed; the existence and size of case backlogs; staffing; DA holds and other procedural gaps in investigation, and; the timetable in which documents and other evidentiary requests are met by external sources. After accounting for non-investigative delays, OPS strives every year to complete 50 percent of its investigations within 60 days.

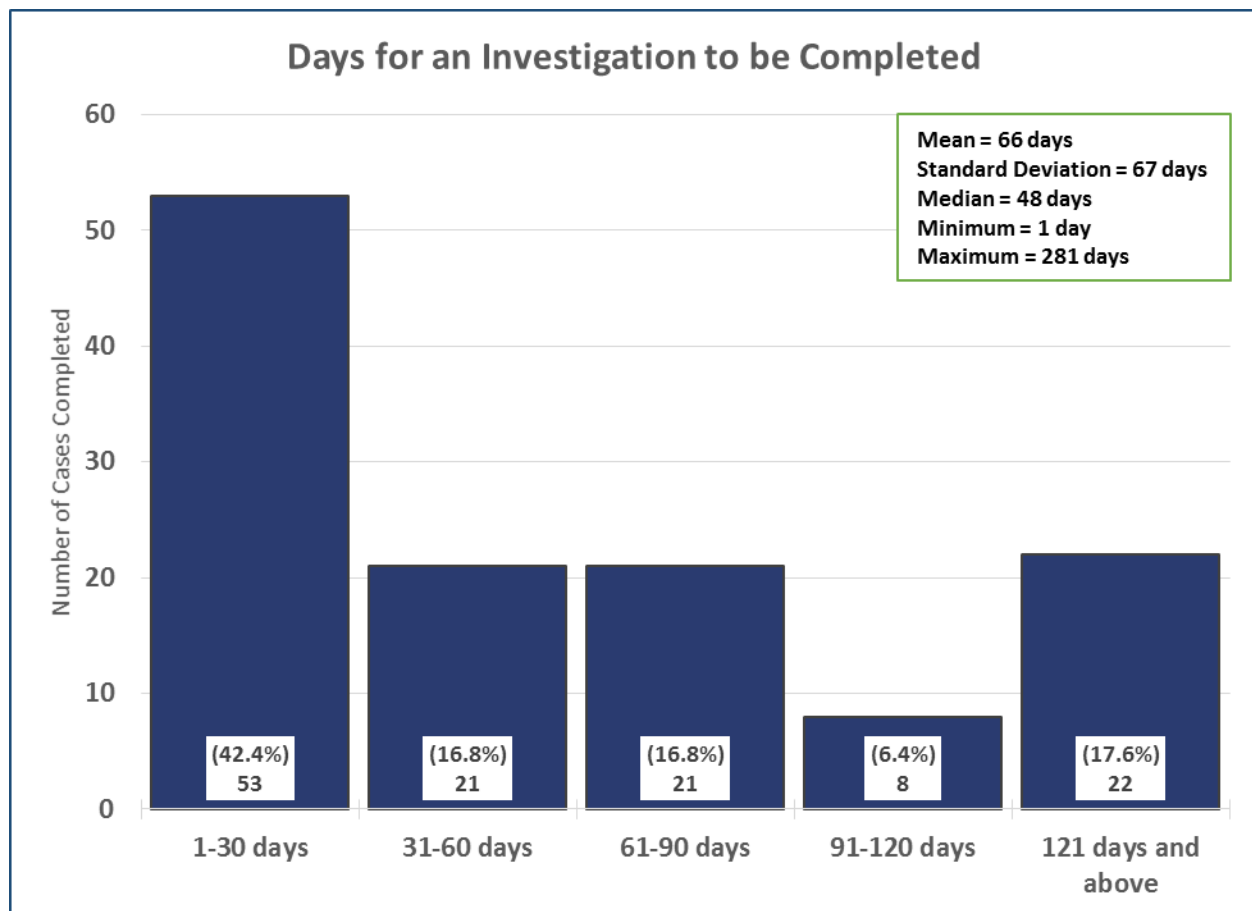


Figure 9: Days for an Investigation to be completed in 2019

Cases Heard by the CPRB

Once the OPS Investigative Summary Report has been completed, the OPS Administrator submits the file to CPRB for review. The CPRB's monthly board meetings are open to the public to discuss complaints and completed investigations of alleged misconduct of CDP personnel. The complainants are notified of the date and time of the meeting in case they want to be present.

On meeting day, a quorum of the CPRB members (at least two-thirds) must be present to reach a disposition and provide recommendation on discipline for each allegation identified. The OPS Investigator who conducted the investigation presents the case to the Board by outlining the nature of the complaint, the nature of the allegations involved and the material evidence and facts established by the investigation. That Investigator also shares the OPS-recommended disposition with the Board at that time. Board members will often ask questions of the Investigator and give complainants the opportunity to be heard at that time.

In reaching a decision, the CPRB is required to review its cases under the "preponderance of the evidence" standard of proof. "Preponderance of the evidence" means the greater weight of evidence; for example, based on all of the evidence it is more likely than not that a CDP employee has engaged in conduct inconsistent with CDP policy, procedure or training. For purposes of applying the "preponderance of the evidence" standard, officer performance must be evaluated against the policy, procedure, or training in effect at the time of the incident.

As can be seen in Figure 10, on next page, in 2019, the CPRB adjudicated a total of 384 complaints. Of those complaints, 136 were based on OPS investigations and 249 on Hillard Heintze investigations. The complaints investigated by OPS were filed in 2015 (4 complaints), 2016 (2 complaints), 2017 (3 complaints), 2018 (63 complaints), and 2019 (64 complaints). The complaints investigated by Hillard Heintze were filed in 2014 (3 complaints), 2015 (43 complaints), 2016 (95 complaints), and 2017 (108 complaints).

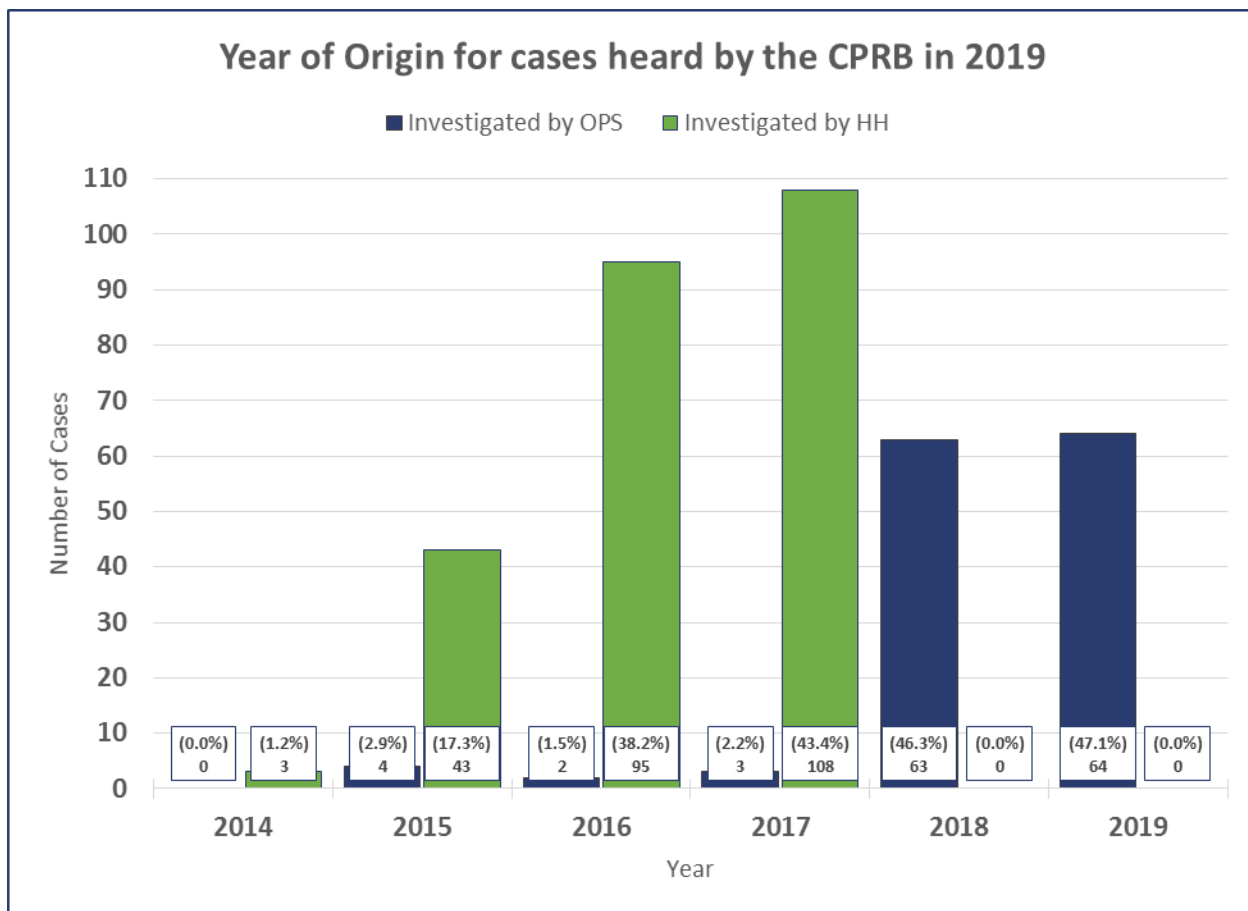


Figure 10: Year of Origin for cases heard by the CPRB in 2019

CPRB Dispositions

Each complaint can involve one allegation or (what is more common) multiple allegations. Table 1, on next page, presents information about all 358 allegations introduced in the 136 complaints that were investigated by OPS and were heard by the CPRB in 2019. As can be seen, in 75 of the 358 allegations (or 20.9 percent) the CPRB suggested sustained findings to the Chief of Police, whereas in 126 of the allegations (or 35.2 percent) the Board exonerated the officer. Further, in 86 allegations (or 24.0 percent) the Board decided that the allegations were unfounded and in 71 (or 19.8 percent) decided that the evidence presented were insufficient to determine whether misconduct had occurred.

As far as type of allegation is concerned, the Board sustained 33.3 percent of “Unprofessional Behavior/Conduct” allegations, 17.8 percent of the “Lack of Service/No Service” allegations, 14.8 percent of the “Improper Procedure” allegations, 5.6 percent of the “Excessive Force” allegations, 8.3 percent of the “Harassment” allegations, 8.3 percent of the “Biased Policing” allegations, and zero percent of the “Missing Property” allegations.

2019 CPRB Dispositions based on OPS Investigations					
Type of Allegation	Sustained	Exonerated	Unfounded	Insufficient Evidence	Total Allegations
Unprofessional Behavior / Conduct	41 (33.3%)	22 (17.9%)	28 (22.8%)	32 (26.0%)	123
Lack of Service / No Service	19 (17.8%)	37 (34.6%)	37 (34.6%)	14 (13.1%)	107
Improper Procedure	12 (14.8%)	57 (70.4%)	7 (8.6%)	5 (6.2%)	81
Excessive Force	1 (5.6%)	4 (22.2%)	3 (16.7%)	10 (55.6%)	18
Harassment	1 (8.3%)	5 (41.7%)	1 (8.3%)	5 (41.7%)	12
Biased Policing	1 (8.3%)	0 (0.0%)	8 (66.7%)	3 (25.0%)	12
Missing / Damaged Property	0 (0.0%)	1 (20.0%)	2 (40.0%)	2 (40.0%)	5
Total	75 (20.9%)	126 (35.2%)	86 (24.0%)	71 (19.8%)	358

Table 2: 2019 CPRB Dispositions based on OPS Investigations

Table 2, on next page, presents information about all 637 allegations introduced in the 249 complaints that were investigated by Hillard Heintze and were heard by the CPRB in 2019. As can be seen, in 46 of the 637 allegations (or 7.1 percent) the CPRB suggested sustained findings to the Chief of Police, whereas in 120 of the allegations (or 18.6 percent) the Board exonerated the officer. Further, in 316 allegations (or 48.9 percent) the Board decided that the allegations were unfounded and in 164 (or 25.4 percent) decided that the evidence presented were insufficient to determine whether misconduct had occurred.

As far as type of allegation is concerned, the Board sustained 5.6 percent of “Unprofessional Behavior/Conduct” allegations, 7.8 percent of the “Lack of Service/No Service” allegations, 4.3

percent of the “Improper Procedure” and “Missing or Damaged Property” allegations, and 1.9 percent of the “Excessive Force” allegations.

2019 CPRB Dispositions based on Hillard Heintze Investigations					
Type of Allegation	Sustained	Exonerated	Unfounded	Insufficient Evidence	Total Allegations
Unprofessional Behavior / Conduct	10 (5.6%)	10 (5.6%)	74 (41.8%)	83 (46.9%)	177
Lack of Service / No Service	14 (7.8%)	20 (11.2%)	124 (69.3%)	21 (11.7%)	179
Improper Procedure	5 (4.3%)	65 (55.6%)	36 (30.8%)	11 (9.4%)	117
Excessive Force	1 (1.9%)	13 (25.0%)	20 (38.5%)	18 (34.6%)	52
Harassment	0 (0.0%)	7 (15.6%)	32 (71.1%)	6 (13.3%)	45
Biased Policing	0 (0.0%)	0 (0.0%)	6 (85.7%)	1 (14.3%)	7
Missing / Damaged Property	2 (4.3%)	2 (3.6%)	18 (32.7%)	24 (43.6%)	55
Other	5 (35.7%)	3 (21.4%)	6 (42.9%)	0 (0.0%)	14
Total	46 (7.1%)	120 (18.6%)	316 (48.9%)	164 (25.4%)	646

Table 3: 2019 CPRB Dispositions based on Hillard Heintze Investigations

Wearable Camera Systems (WCS) and Case Dispositions

The Cleveland Division of Police (CDP) started a pilot Wearable Camera System (WCS) in June 2014⁹. Since December 2016, WCSs are mandatory for all members who have been issued a WCS¹⁰. Specifically, CDP policy requires officers to activate WCSs prior to responding to all calls for service, during all investigative or enforcement contacts with the public, or other contact with the public that may or does become adversarial after the initial contact¹¹.

Officer Compliance with WCS Policies

In 2019, 74.8 percent of cases that went before the CPRB had relevant WCS video. There are several reasons why an OPS case might not have WCS footage. It might be, for instance, because the officer(s) involved had not been issued a WCS or because the officer(s) did not activate the WCS during the incident. Some other cases do not involve WCS footage because the incident took place over the phone/online or because the officer was working off duty, etc.

OPS has full access to all CDP WCS videos that are relevant to OPS investigations. If, during the investigation, OPS determines that the officer(s) involved had been issued WCS but did not activate it as required, then OPS has the ability to charge the officer(s) with the additional violation of failure to activate WCS (i.e., for violation of General Police Order (GPO) 3.2.20). In 2019, the number of officers that were charged with the additional violation of failure to activate WCS was 13 (across 10 cases).

Impact of WCSs

The availability and access of WCS footage that illustrates the actions and conduct of officers and complainants has been a powerful accountability tool. The chart on next page presents how WCS footage affected the disposition of allegations investigated by OPS and heard by CPRB in 2019. It is evident that WCS video footage helped the CPRB reach a conclusive finding in more than 82 percent of allegations, compared to only 70.5 percent without WCS video footage.

⁹ See CDP Divisional Notice 14-226 and General Police Order (GPO) 3.2.20.

¹⁰ See CDP Divisional Notice 16-372. It should be noted that CDP officers in the Swat team and Gang unit have not been issued WCSs.

¹¹ General Police Order (GPO) 3.2.20, page 2.

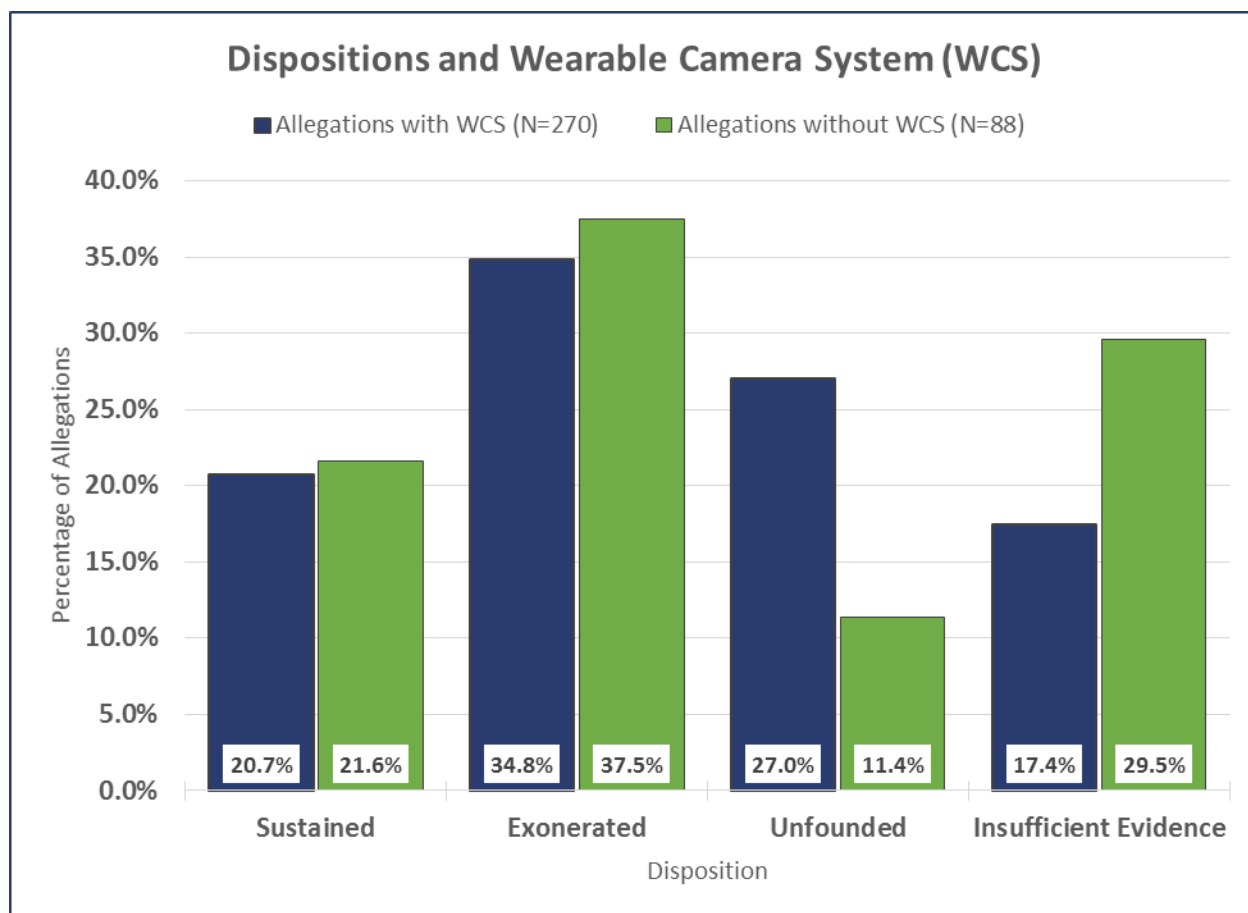


Figure 11: Dispositions and Wearable Camera System (WCS) in 2019

Chief and Director's Hearings

If any aspect of the investigation has been sustained by the CPRB hearing, OPS forwards a Findings Letter to the Chief of Police ("Chief") and the Director of Public Safety ("Director") within 14 days. The Findings Letter summarizes the CPRB's findings, explaining their rationale to the Chief as well as the matrix category as determined by the Disciplinary matrix that was in place at the time of the incident. Along with the Findings Letter, the complete OPS investigative report and all supporting documents are provided to the Chief of Police.










The Chief or Director subsequently holds a hearing in which the CDP member is given the opportunity to offer testimony and provide contrary or mitigating evidence. Within ten days of the hearing, the Chief or Director is required to notify the CPRB of its outcome and any discipline to be imposed. OPS is working with the Chief's Office to ensure that the Chief provides an explanation for any departures from CPRB recommendations and a protocol to ensure that the CPRB has the opportunity to appeal any decision with which it disagrees to the Public Safety Director.

Of the 384 complaints adjudicated by the CPRB in 2019, 76 (or 19.8 percent) involved recommendations for sustained findings. As of the end of 2019, 26 cases had a Chief's or Director's Hearing. In 2019, it took on average 81.9 days (*SD* = 35 days, *Mdn* = 73 days, min = 35 days, max = 217 days) from the day the CPRB presented a Findings Letter to the Chief of Police, to the day the Chief held a disciplinary hearing.

Discipline Concurrence

The Office of Professional Standards tracks whether or not the discipline imposed by the Chief and/or the Director was in concurrence with that recommended by the CPRB. Discipline Concurrence means that the Chief or Director agreed with the Group Level of discipline recommended by the CPRB. When the Chief's or Director's discipline is of a lesser Group Level than that recommended by the CPRB, the discipline is not in concurrence. The CPRB does not take a position concerning the number of suspension days or any penalty differences falling within the same Group Level.














From the table that follows, we see that in 63.8 percent of the time the Chief's discipline was in concurrence with the discipline recommended by the CPRB. The Director's discipline was in concurrence with the discipline recommended by the CPRB only 14.3 percent of the time.












Case ¹²	Allegations Sustained by CPRB	CPRB Discipline Recommendation	Result of Chief's Hearing	Chief's Discipline Concurrence	Result of Director's Hearing	Director's Discipline Concurrence
15-028 (HH)	Dispatch Violation	Group I	Issued a Written Reprimand	 Discipline Concurrence	-	-
15-270	Unprofessional Conduct	Group I	Issued a Letter of Reinstruction	 Discipline Concurrence	-	-
15-285	PSA ¹³ : Investigations Violations TSA ¹⁴ : 6	Group III	Dismissed the Allegations	 No Discipline	(The CPRB Appealed the case to the Director) Issued a 6-day Suspension	 Discipline Difference
15-286	Dispatch Violation	Group I	Issued a Letter of Reinstruction	 Discipline Concurrence	-	-
16-194	Improper Search	Group I	Issued a 3-day Suspension	 Discipline Concurrence	-	-
17-020	PSA: Unprofessional Conduct TSA: 7	Group II	Issued a Written Reprimand; Issued a 6-day Suspension	 Discipline Concurrence	-	-
17-028	PSA: Lack of Service TSA: 2	Group I	Issued a Written Reprimand	 Discipline Concurrence	-	-
17-036	Improper Procedure	Group I	Issued a Written Reprimand	 Discipline Concurrence	-	-













¹² The table presents cases decided by the Chief of Police or Director of Public Safety in 2019. Several of those cases were heard by the CPRB in 2018. Also, the table does not present cases that were decided by the Chief of Police in the last months of 2019 but the CPRB appealed these cases to the Director of Public Safety. These cases will be presented in the 2020 OPS Annual Report when the Director makes a decision and a final disposition letter is sent.

¹³ PSA = Primary Sustained Allegation.

¹⁴ TSA = Total Sustained Allegations.

17-065 (HH)	Unprofessional Conduct	Group I	Dismissed the Allegation	 No Discipline	-	-
17-070 (HH)	Untruthful Statements Violation	Group III	Dismissed the Allegation	 No Discipline	-	-
17-083 (HH)	Lack of Service	Group I	Issued a Written Reprimand	 Discipline Concurrence	-	-
17-229	Lack of Service	Group II	Dismissed the Allegation	 No Discipline	(The CPRB Appealed the case to the Director) Issued a Written Reprimand	 Discipline Difference
18-012	Wrongful Determination of Child Custody	Group I	Issued a 1-day Suspension	 Discipline Concurrence	-	-
18-018	Unprofessional Conduct Dress Code Violation	Group II	Issued a Letter of Reinstruction	 Discipline Difference	(The CPRB Appealed the case to the Director) Issued a 3-day Suspension	 Discipline Difference
18-030	Failure to Cooperate in an OPS Investigation	Group I	Issued a 3-day Suspension	 Discipline Concurrence	-	-
18-036	PSA: Lack of Service TSA: 3	Group I	Issued a Written Reprimand	 Discipline Concurrence	-	-
18-041	Lack of Service	Group I	Issued a Letter of Reinstruction	 Discipline Concurrence	-	-
18-085	PSA: Harassment; Biased Policing TSA: 12	Group III	-	-	Issued a 25-day Suspension	 Discipline Concurrence
18-089	PSA: Unprofessional Conduct;	Group II	Issued a 2-day Suspension	 Discipline Difference	-	-

	TSA: 3					
18-099	PSA: Unprofessional Conduct; TSA: 2	Group I	Issued a Written Reprimand	 Discipline Concurrence	-	-
18-101	Improper Procedure	Group I	Issued a Written Reprimand	 Discipline Concurrence	-	-
18-105	Lack of Service	Group II	Issued a 1-day Suspension	 Discipline Difference	-	-
18-126	GPO Violation	Group I	Issued a Letter of Reinstruction	 Discipline Concurrence	-	-
18-128	Lack of Service	Group I	Issued a Letter of Reinstruction	 Discipline Concurrence	-	-
18-132	Wearable Camera System Violation	Group I	Issued a 4-day suspension	 Discipline Concurrence	-	-
18-139	Wearable Camera System Violation	Group I	Issued a Letter of Reinstruction	 Discipline Concurrence	-	-
18-142	Unprofessional Conduct Improper Citation	Group I	Issued a Letter of Reinstruction	 Discipline Concurrence	-	-
18-147	Lack of Service	Group II	Dismissed the Allegation	 No Discipline	(The CPRB Appealed the case to the Director) Dismissed the Allegation	 No Discipline
18-148	Wearable Camera System Violation	Group I	Issued a Letter of Reinstruction	 Discipline Concurrence	-	-

18-150	Lack of Service Wearable Camera System Violation	Group II	Issued a 3-day Suspension	 Discipline Difference	-	-
18-152	Lack of Service Wearable Camera System Violation	Group II	Issued a 1-day Suspension	 Discipline Difference	-	-
18-160	Improper Tow	Group I	Dismissed the Allegation	 No Discipline	-	-
18-162	Unprofessional Conduct	Group I	Issued a Letter of Reinstruction	 Discipline Concurrence	-	-
18-164	Improper Procedure	Group I	Issued a Letter of Reinstruction	 Discipline Concurrence	-	-
18-167	Lack of Service	Group II	Dismissed the Allegation	 No Discipline	(The CPRB Appealed the case to the Director) Upheld Chief's Decision	 No Discipline
18-171	Improper Procedure	Group I	Issued a Written Reprimand	 Discipline Concurrence	-	-
18-172	Improper Procedure	Group II	Issued a Letter of Reinstruction	 Discipline Difference	-	-
18-176	Improper Search	Group II	Issued a Written Reprimand	 Discipline Difference	-	-
18-183	Lack of Service	Group I	Issued a Letter of Reinstruction	 Discipline Concurrence	-	-
18-187	Unprofessional Conduct	Group I	Issued a 4-day suspension	 Discipline Concurrence	-	-






18-190	Wearable Camera System Violation	Group I	Issued an 1-day suspension	 Discipline Concurrence	-	-
18-198	Lack of Service	Group I	Issued a Letter of Reinstruction	 Discipline Concurrence	-	-
18-201	Duty Report Violation	Group I	Issued a Letter of Reinstruction	 Discipline Concurrence	-	-
19-023	Unprofessional Conduct	Group II	Issued a Written Reprimand and Re-training Letter	 Discipline Difference	-	-s
19-080	Improper Procedure	Group I	Issued a Letter of Reinstruction	 Discipline Concurrence	-	-
Total				65.9% Concurrence		16.7% Concurrence

Table 4: 2019 Discipline Concurrence

Complaints by Police District and Bureau

A breakdown of the 220 complaints by CDP District and Bureau is depicted in Figure 12. Police Districts received the majority of the complaints filed with OPS in 2019 (121 or 55.1 percent). Specifically, the 3rd Police District, which includes all of Downtown Cleveland, had the highest number of complaints in 2019 (29 or 13.3 percent), followed by the 2nd and 5th Police Districts (25 or 11.5 percent each), the 4th Police District (24 or 10.9 percent), and the 1st Police District (18 or 8.2 percent).

Police Bureaus received a total of 42 complaints (or 19.1 percent) in 2019. Specifically, the Bureau of Special Investigations had the highest number of complaints among all Bureaus (9 or 4.1 percent), followed by the Bureaus of Homeland Services and Traffic (7 or 3.2 percent each), the Bureau of Communications and Property Control (6 or 2.7 percent), and the D.C. Field Operations (5 or 2.3 percent). The Bureau of Special Services had 2 complaints (or 0.9 percent), and the Bureaus of Integrity Control and Compliance had 1 complaint each (or 0.5 percent each).

Where Complaint Incidents Occurred

The map, in Figure 13, depicts the distribution of citizen complaint incidents within the limits of the city of Cleveland. Of note is the fact that a number of complaints were received from addresses outside of the city limits (involving, for instance, off-duty officers), and that many complaints received by OPS were not tied to a specific physical location (because, for instance, the alleged harassment took place over the phone) and thus cannot be depicted on the map.

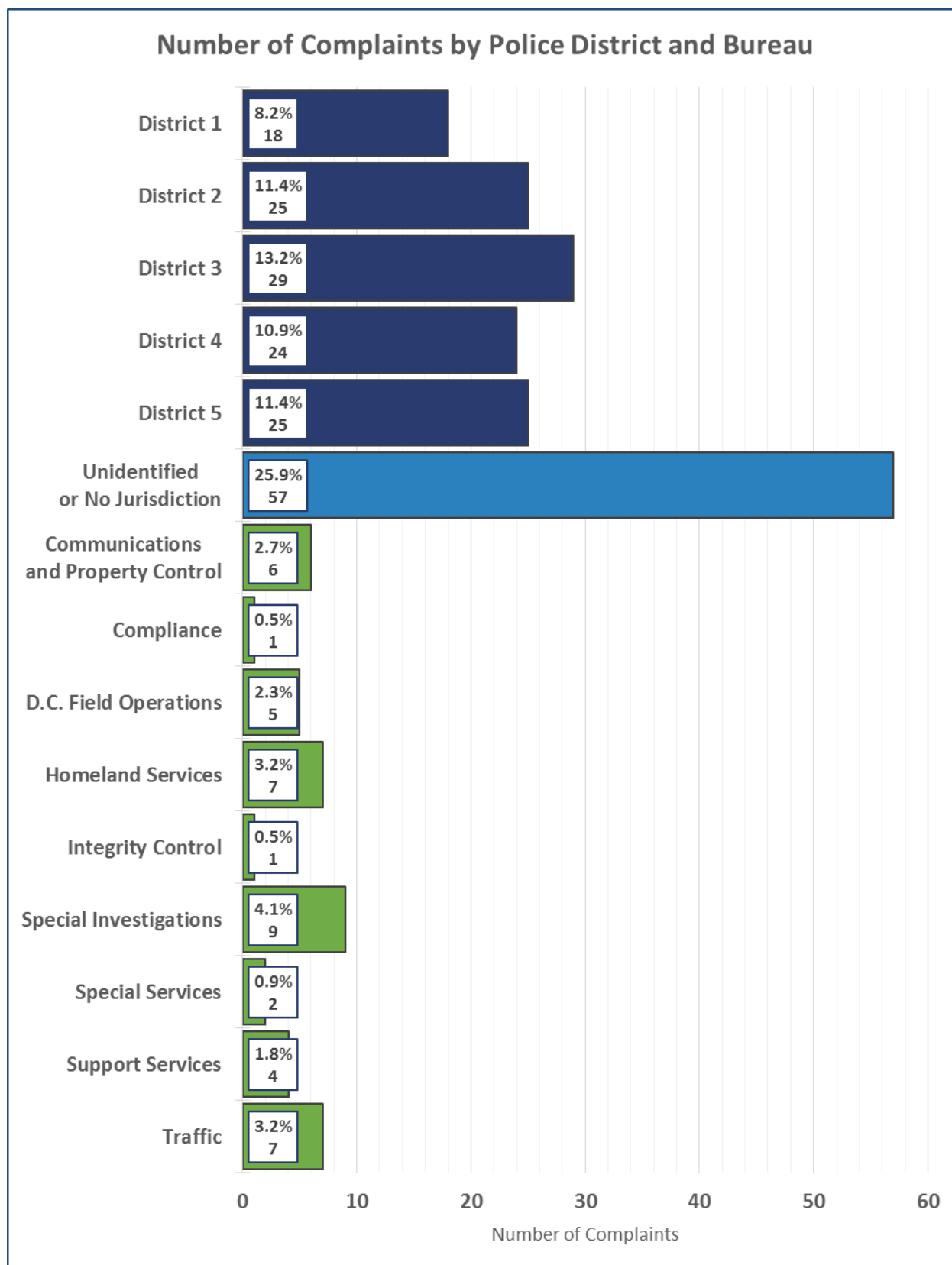


Figure 12: Number of Complaints by Police District and Bureau in 2019

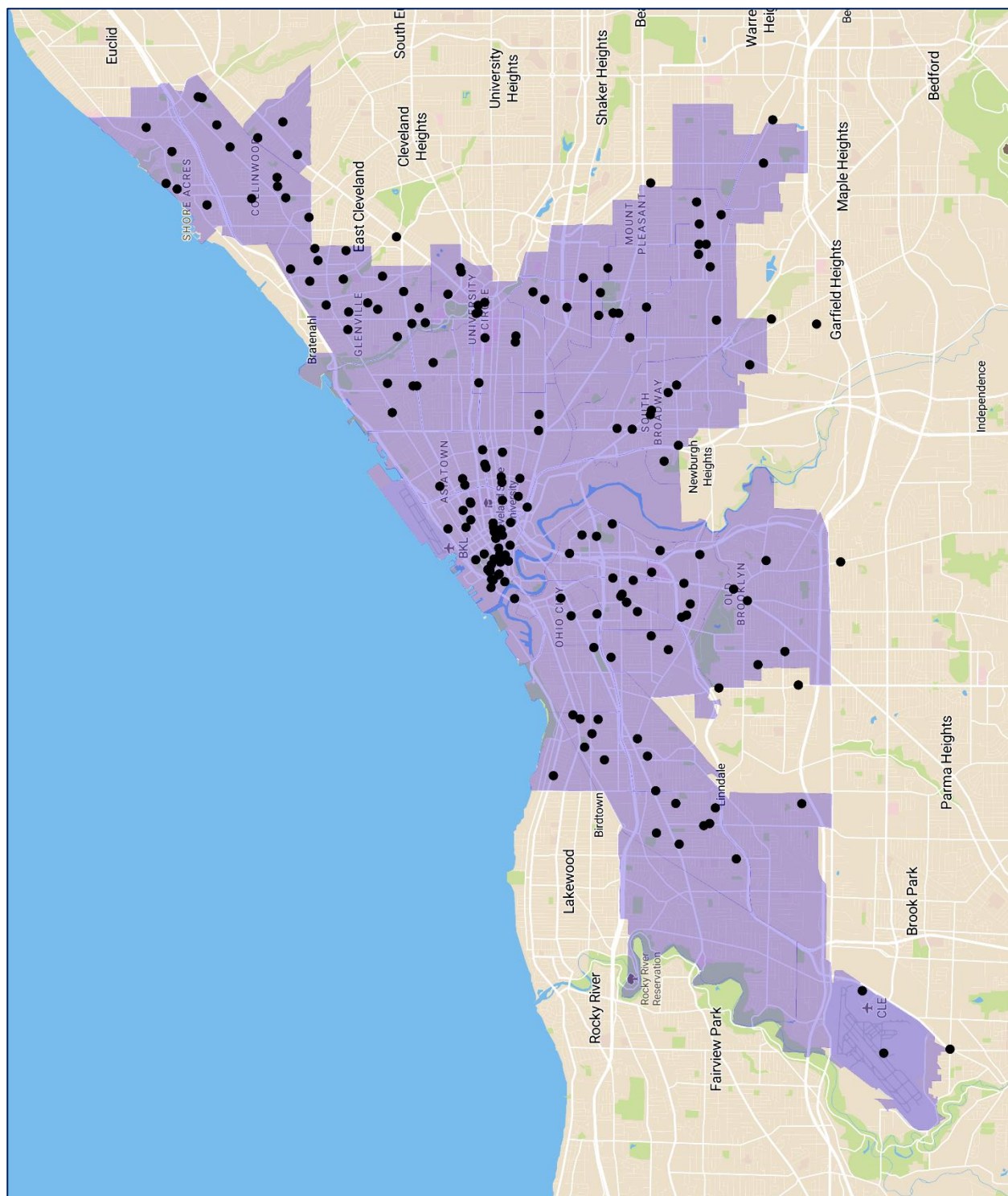


Figure 13: Where 2019 Complaint Incidents Occurred

Primary allegation and Officer Rank by Police District

Not only the number of complaints but also the type of primary allegations varied by police district during 2019.

Specifically, “Lack of Service” (43.5 percent) and “Unprofessional Behavior” (39.1 percent) were the two most frequent primary allegations against officers of the **First Police District**. The vast majority of the officers receiving complaints in the first district had the rank of Patrol officer (88.9 percent), followed by Sergeant (5.6 percent).

The two most frequent primary allegations against officers of the **Second Police District** were “Improper procedure” (40.0 percent), “Lack of Service” (24 percent), and “Unprofessional Behavior/Conduct” (20.0 percent). Patrol officers received the majority of complaints (68.2 percent) in the second district, followed by Detectives (13.6 percent), and Sergeants (11.4 percent).

In the **Third Police District**, the allegations of “Lack of Service” (42.9 percent), “Unprofessional Behavior” (32.7 percent), and “Improper Procedure” (16.3 percent) were the most frequent. Patrol officers received the vast majority of complaints (85.5 percent) in the third district, followed by Sergeants (8.1 percent).

The most frequent allegations in the **Fourth Police District** were “Harassment” (22.7 percent), “Lack of Service” (22.7 percent), “Improper Procedure” (22.7 percent), and “Unprofessional Behavior” (13.6 percent). Patrol officers received the majority of complaints (71.8 percent), followed by Detectives (12.8 percent) and Sergeants (12.8 percent).

The **Fifth Police District** had the allegations of “Improper Procedure” (31.4 percent), “Unprofessional Behavior/Conduct” (23.5 percent), “Excessive Force” (19.6 percent), and “Lack of Service” (15.7 percent) as the most frequent. In terms of officer rank, Patrol officers received the majority of complaints (66.7 percent), followed by Sergeants (17.5 percent), and Detectives (12.7 percent).

Finally, the various **Bureaus** had “Unprofessional Behavior” (29.9 percent), “Improper Procedure” (23.9 percent), “Lack of Service” (16.4 percent), and “Harassment” (10.4 percent) as the most frequent primary allegations. In terms of rank, Patrol officers received the majority of complaints (51.9 percent), followed by Sergeants (14.8 percent), and Detectives (12.3 percent).

Characteristics of Complainants

In terms of race, 53.6 percent of the complainants in 2019 were black, with white complainants being the second largest category with 21.4 percent¹⁵. In terms of gender, the majority of complaints in 2019 were filed by women (55.0 percent). Finally, in terms of age, the majority of complainants were between the ages of 30 to 59 (69.1 percent). The average age of complainants in 2019 was 44.6 years of age.

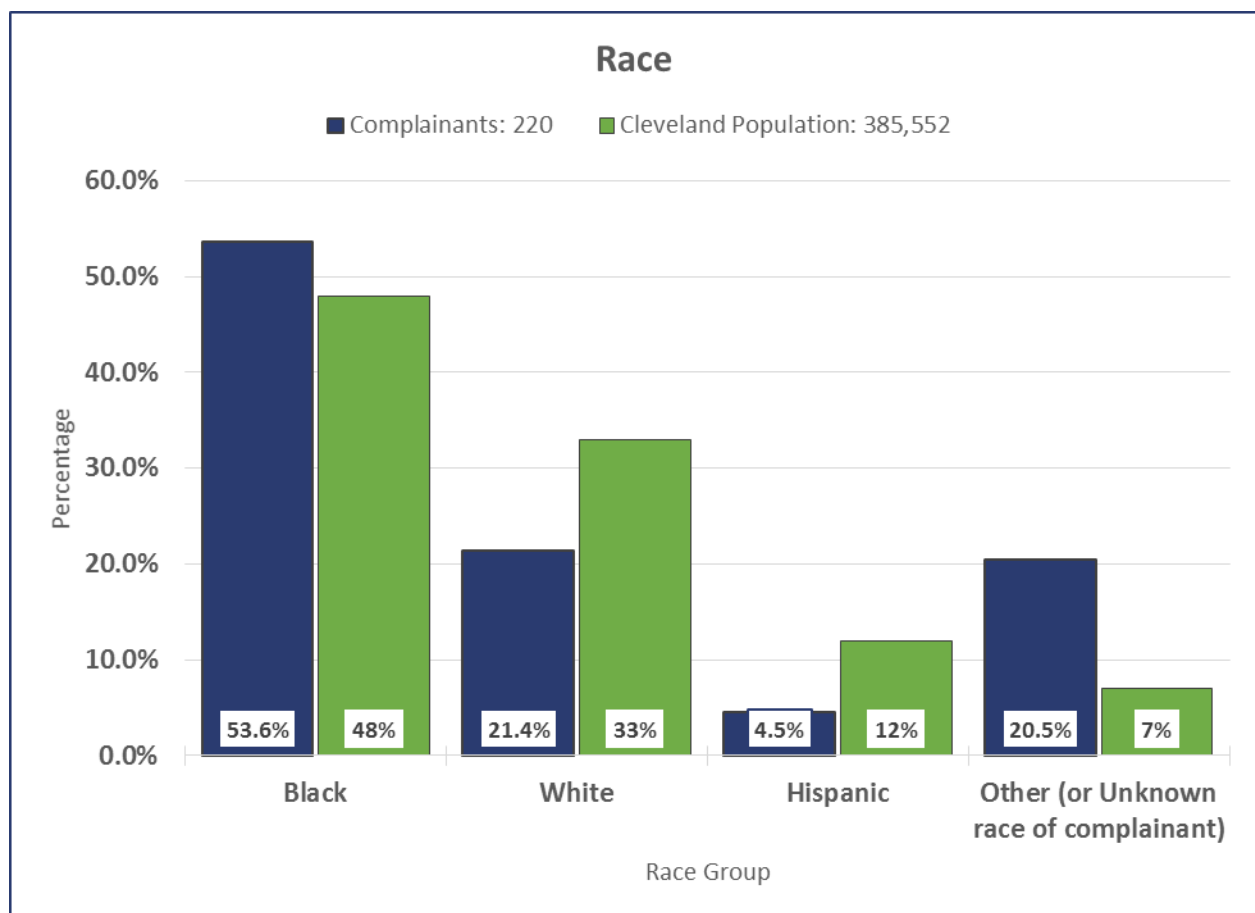


Figure 14: Race of Complainants in 2019

¹⁵ The Cleveland population statistics are based on the 2017 American Community Survey (ACS) 1-year Estimates. For more information see: https://factfinder.census.gov/faces/nav/jsf/pages/community_facts.xhtml and <https://www.census.gov/quickfacts/clevelandcityohio>

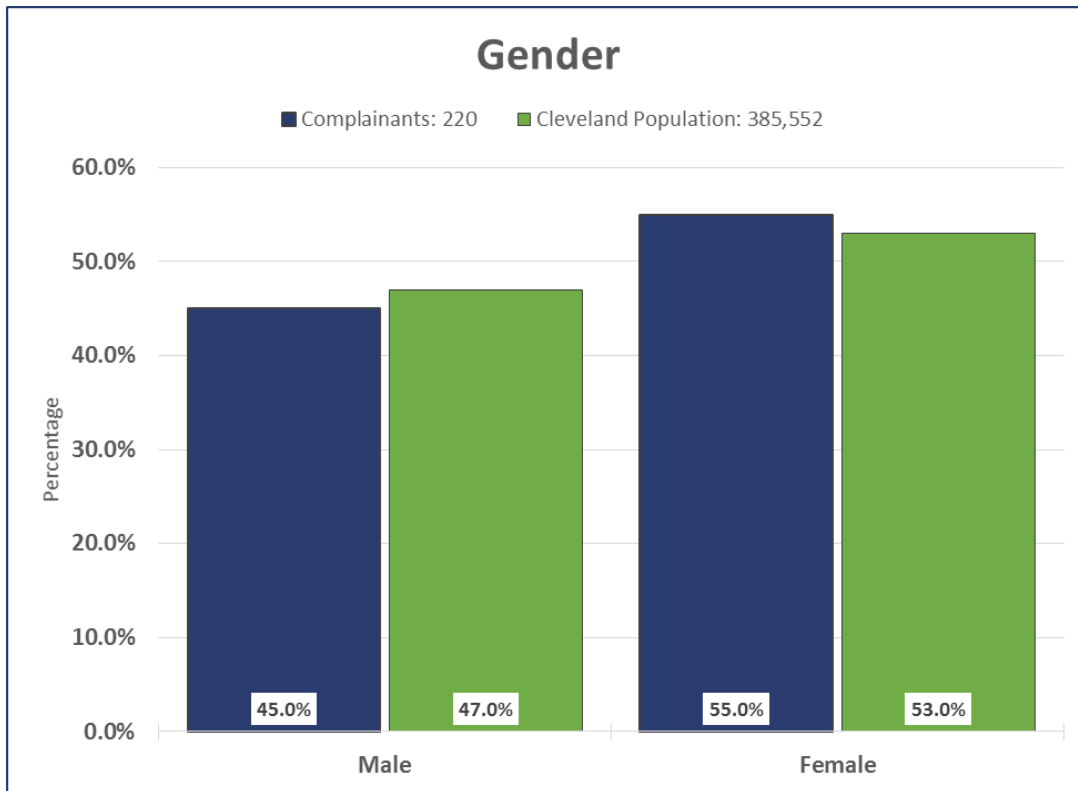


Figure 15: Gender of Complainants in 2019

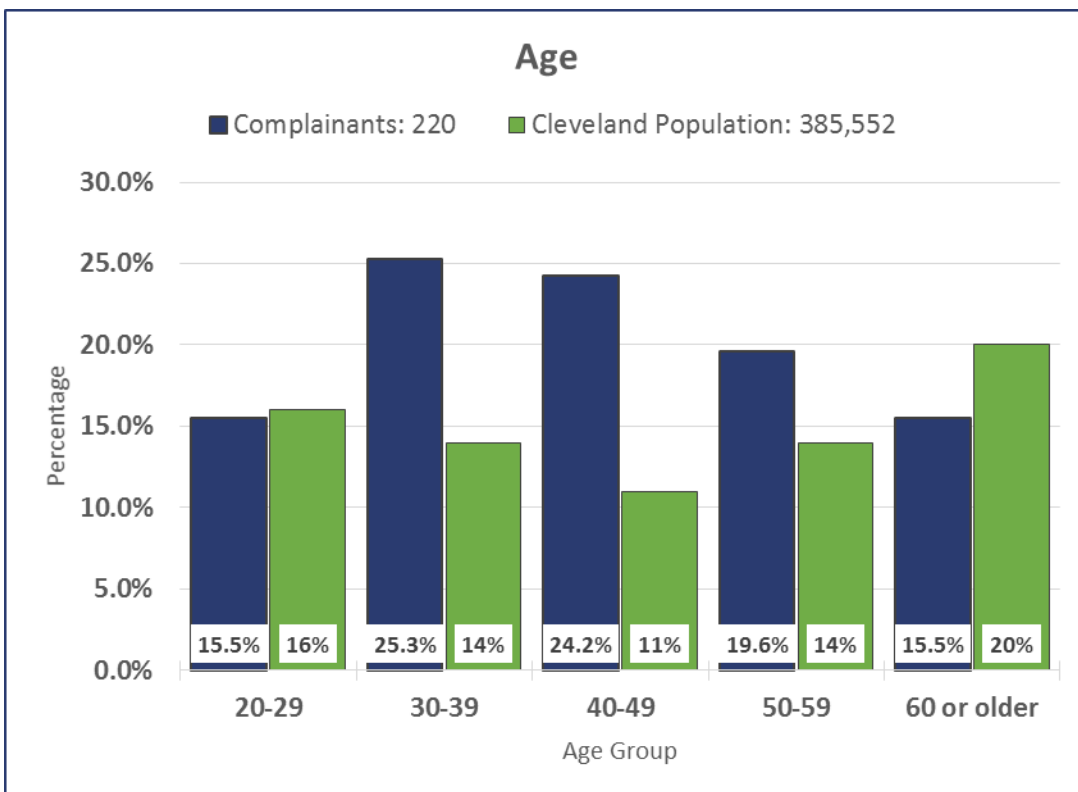


Figure 16: Age of Complainants in 2019

Characteristics of CDP Employees

A total of 241 officers¹⁶ received complaints in 2019, with 15 officers receiving two complaints, 2 officers receiving three complaints, and 1 officer receiving six complaints. In terms of race, White CDP employees received the majority of complaints (65.8 percent), while Blacks and Hispanics followed with 28.7 percent and 3.8 percent respectively. In terms of gender, males received the vast majority of complaints (86.7 percent) compared to females (13.3 percent). In terms of age, the groups that received most complaints were: 50-59 (27.8 percent), 30-39 years of age (27.4 percent), 40-49 (22.8 percent), and 20-29 (18.6 percent). Finally, in terms of tenure, CDP employees with 1-5 years (38.2 percent) and those with 21-25 years (20.2 percent) on the job received the majority of the complaints in 2019.

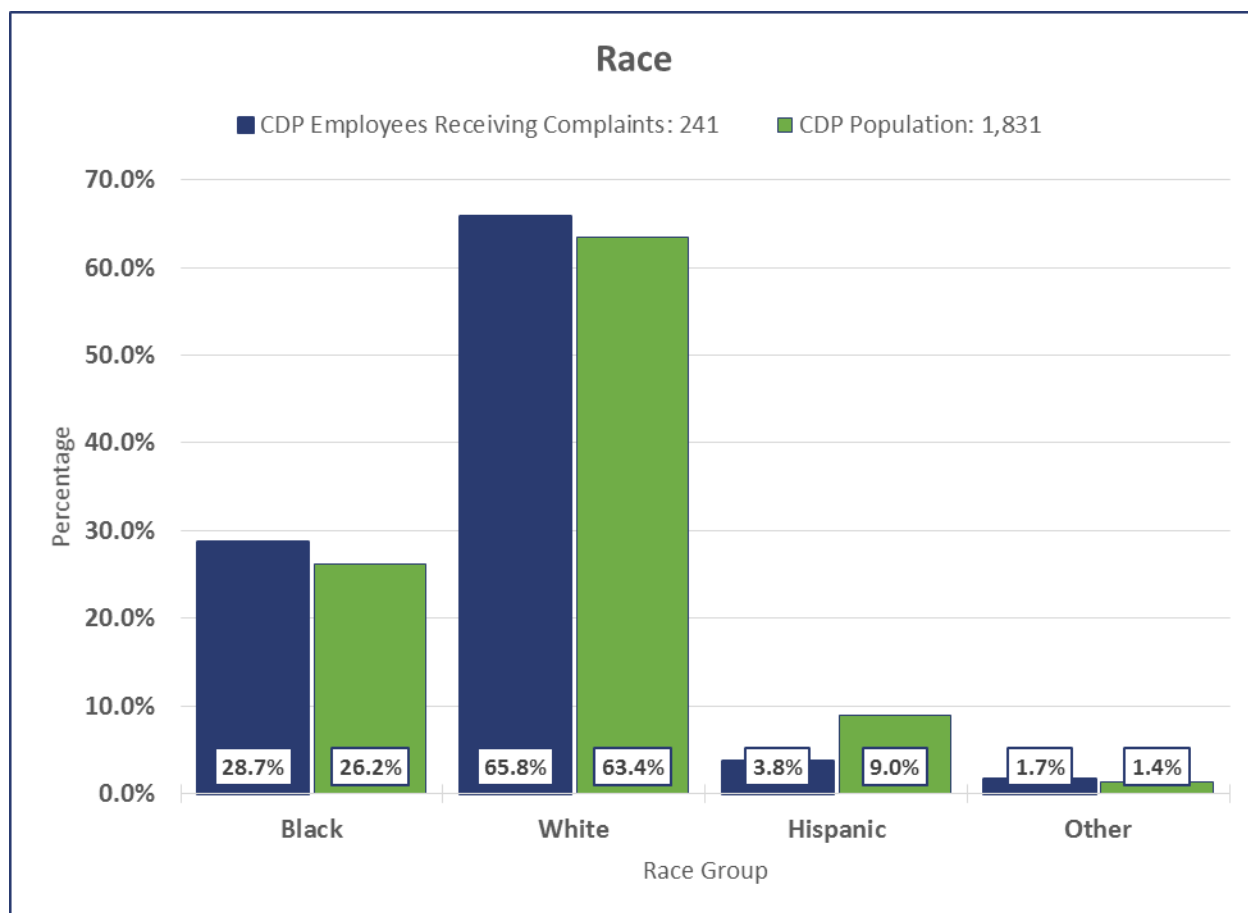


Figure 17: Race of CDP Employees Receiving Complaints in 2019

¹⁶ In a number of OPS cases, the exact number of involved officers in the complaint has not been finalized as of the writing of this report. So, it is reasonable to assume that this number is going to change upwards as the investigations progress in 2020.

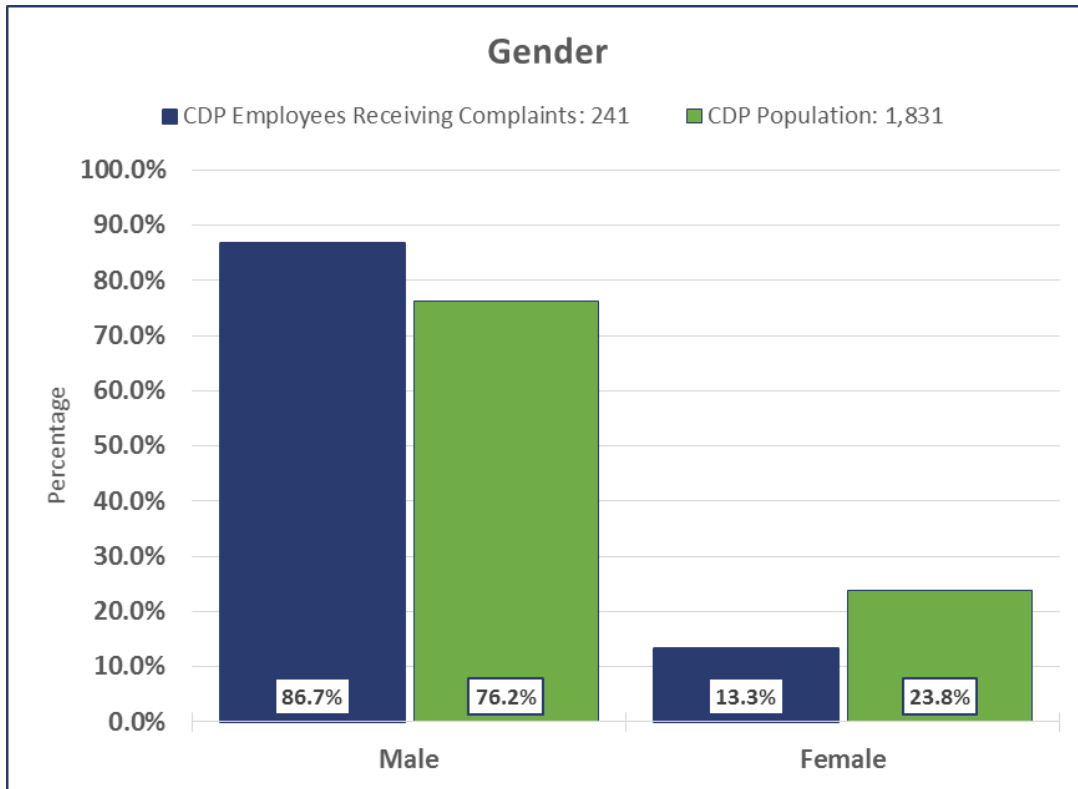


Figure 18: Gender of CDP Employees Receiving Complaints in 2019

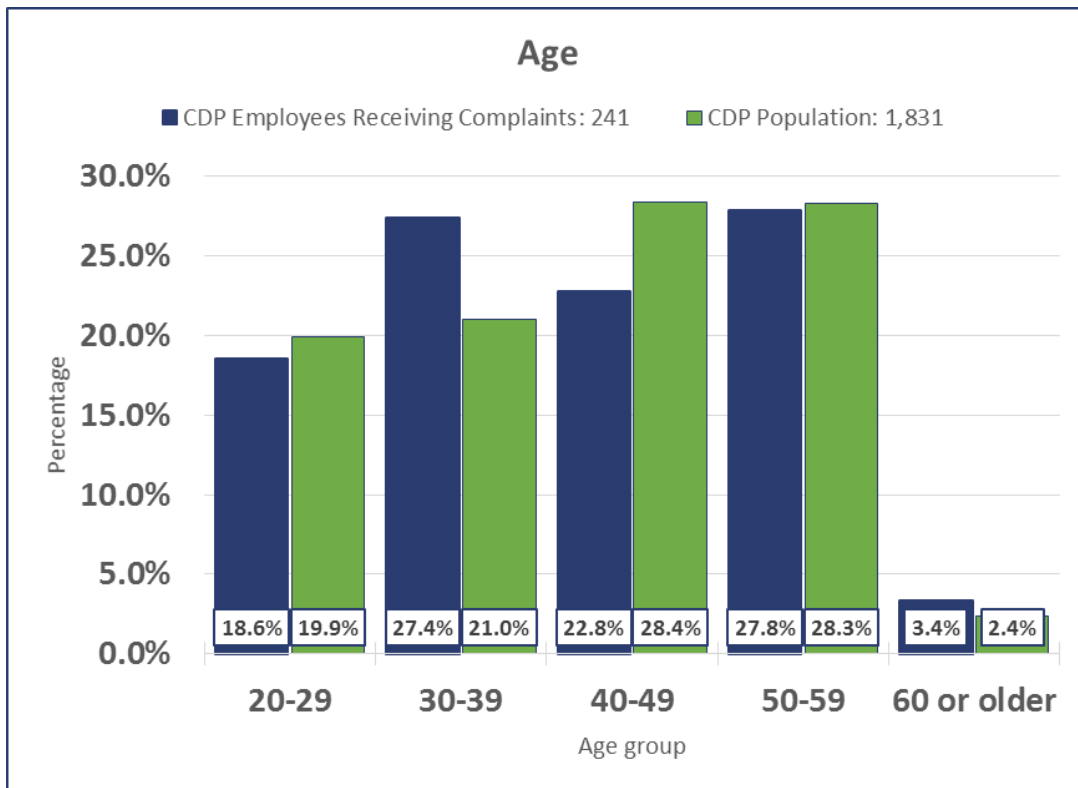


Figure 19: Gender of CDP Employees Receiving Complaints in 2019

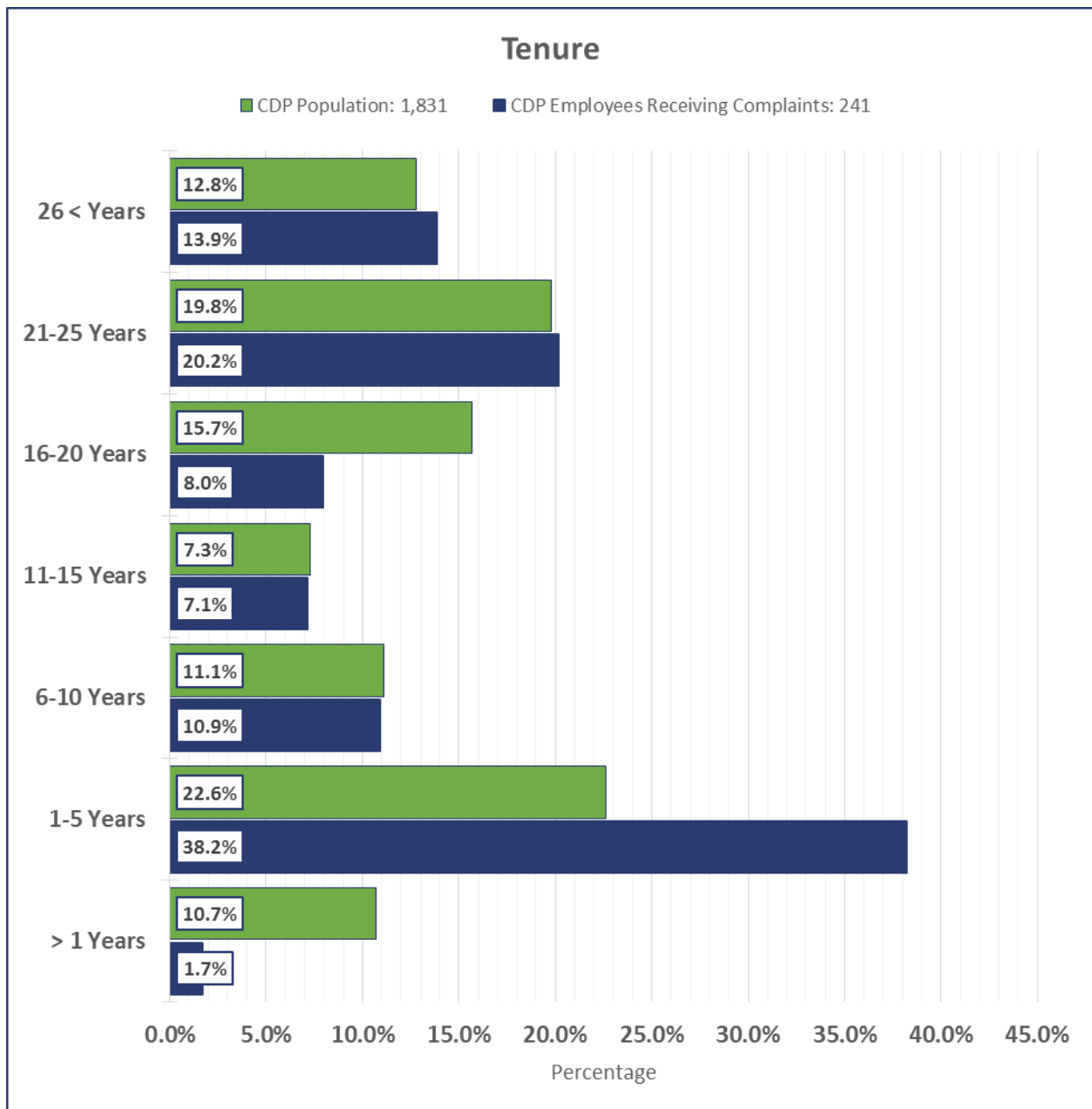


Figure 20: Tenure of CDP Employees Receiving Complaints in 2019

Complainant and CDP Employee Demographic Pairings

The most frequent complainant-officer pairings in 2019, were black complainants filing complaints against white officers, which accounted for 45.7 percent of the complaints received. Black complainants filing complaints against black officers accounted for 20.8 percent of all complaints received, and white complainants filing complaints against white officers accounted for 13.2 percent of the complaints received.

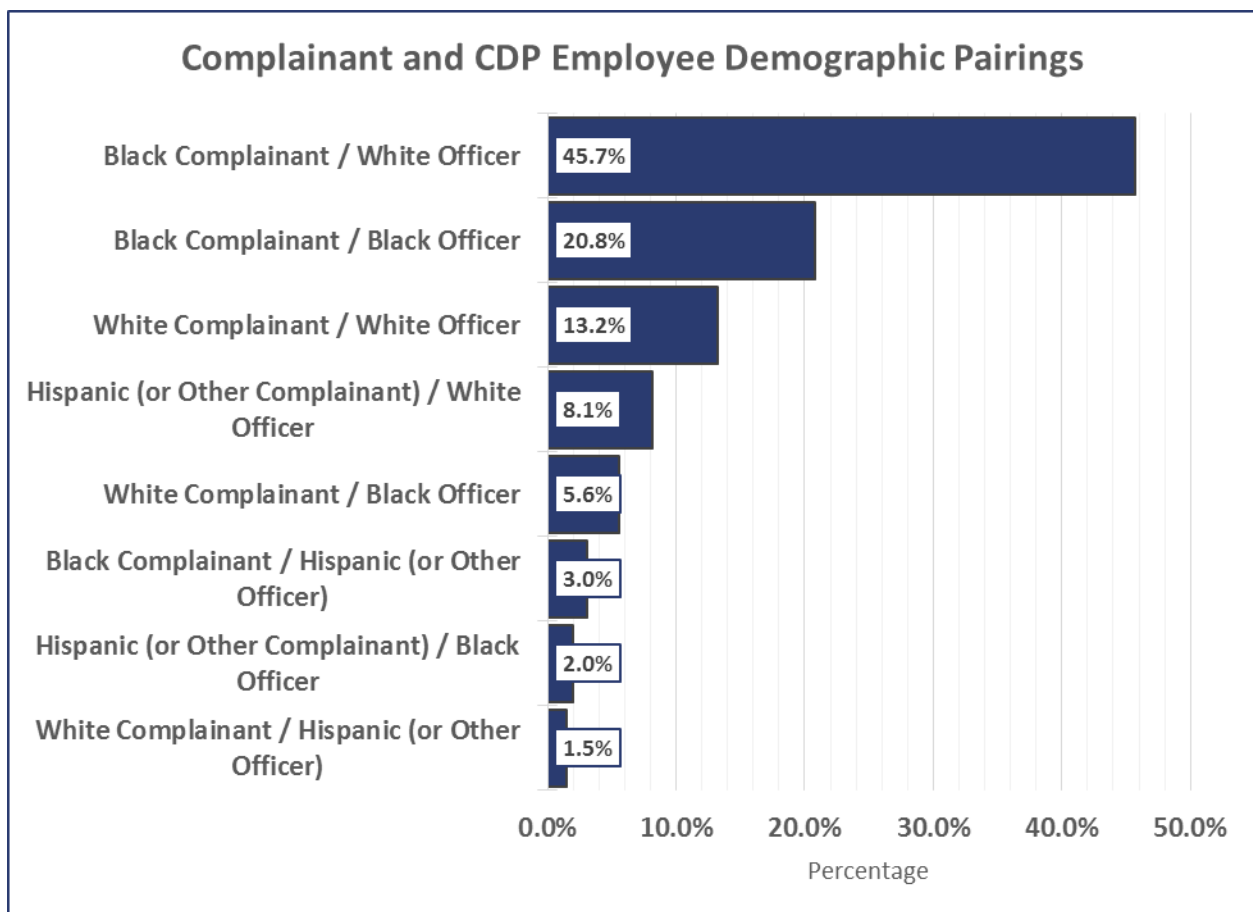


Figure 21: Complainant and CDP Employee Pairing in 2019

OPS 2019 Year in Review

OPS Staffing:

General Manager

George Coulter joined the Office of Professional Standards in March of 2019 and serves as the General Manager. George comes to OPS from the Cuyahoga Metropolitan Housing Authority (CMHA) Police Department where he served as Executive Officer. In that role, he worked to ensure department priorities were executed successfully, led the accreditation process and provided oversight to the department in developing and implementing programs and procedures. George has been involved in Economic and Community Development for over 30 years, previously working on federal and state Public Policy issues that increase conditions for marginalized populations. Coulter speaks internationally on such topics as “Linking Workforce Development with Economic Development,” “The Role of Employer Intermediaries in Workforce Development,” and “Public and Private Partners in Workforce Development.” George is a Cleveland native having graduated from Ohio University and resides in the Cleveland area with his wife and two adult children.

Research Analyst

Spyridon Kodellas, Ph.D., joined the Office of Professional Standards in February 2019 as a Research Analyst. Previously, he held teaching and research appointments at several Universities in the United States and Greece. He completed a PhD in Criminal Justice, as a Fulbright Scholar and Gabbard Research Associate Fellow, at the University of Cincinnati. Prior to that, he worked for almost a decade as a journalist for online and traditional newspapers and magazines.

Community Engagement Coordinator

Shayla L. Davis joined the Office of Professional Standards in September 2019 as a Community Engagement Coordinator. She comes to OPS with over 20 years of experience in city, county and federal government agency work, with a focus on racial disparities and systemic inequity, collaboration building within communities, community engagement and legislative work. She has extensive experience working with local communities and she is passionate about advocating for individuals who feel powerless. Her goal is to always be inclusive, educate, empower and evoke change in the community.

OPS Staff Training:

Staff Member	Subject Matter	Training Source	Dates
Investigators	In-house training	Roger Smith	Weekly on Fridays
D. Hammons	Constitutional Use of Force: From the Streets to the Courtroom	Calibre Press	07/12/2019
R Smith, G. Coulter, S. Kodellas, J. Delaney	NACOLE Annual Training Conference	Civilian Oversight Practitioners	9/21/2019-9/26/2019
R. Smith, S.Kodellas	NACOLE Regional Training & Networking Event in Washington DC	Civilian Oversight Practitioners	11/15/2019
S.Kodellas, L.Hanlon	IAPro Training Conference	IAPro Trainers	11/18-2019-11/21/2019

Table 5: OPS Staff Training

CPRB Members Training:

CPRB Members	Subject Matter	Training Source	Dates
All	4 th Amendment	Video of Monitoring Team Member Tim Longo	6/11/2019

Table 6: CPRB Members Training

Status of achievement of 2019 goals:

For 2019, the Office of Professional Standards had as a goal to fill the positions of General Manager, Research Analyst, and Community Engagement Coordinator. All three positions were successfully filled. The goal of developing a Community Outreach Plan is still in progress since the Community Engagement Coordinator position was filled late in the fall of 2019. Further, during 2019, the Office of Professional Standards further revised Operations, Policy and Procedure Manuals to ensure consistency and competency in all OPS Operations and create a formal protocol to ensure the timely handling of Public Records Requests. Finally, the Office of Professional Standards started creating and publicizing its semi-annual reports in order to provide timelier public reporting of OPS-related trends and issues of concern.

Community Outreach



Roger Smith (second from the right) speaks at the Cleveland State University Forum on Hidden Prejudice

The Mission of the Office of Professional Standards include increasing awareness throughout local communities about the agency, its purpose, and the process for filing police misconduct complaints against CDP employees.

To help increase awareness, the Office of Professional Standards welcomes opportunities to conduct and take part in community outreach activities that allow OPS staff to communicate information about the civilian oversight process in the City of Cleveland. Specifically, the Office of Professional Standards offers presentations to community centers, community organizations, high schools, community colleges, universities, sports clubs, churches, neighborhood groups, business associations, and local agencies.

In 2019, OPS engaged in community outreach activities with the Black Shield Police Association, the Case Western Reserve University Black Student Union, the Community Police Commission, the Cleveland State University Division of Diversity, Inclusion and University Engagement, the Neighborhood Leadership Institute, the LGBTQ Center, and the Cleveland Library, to name a few.

Finally, during the second half of 2019, OPS hired, for the first time, a full-time Community Engagement Coordinator, who, in consultation with the Administrator, is in the process of preparing and implementing a community outreach plan encompassing all areas of the City of Cleveland.

Policy Recommendations

Depending on the results of each OPS investigation, the CPRB and OPS may make policy recommendations to the Chief of Police. Recently, the CPRB and OPS have raised considerations with the CDP concerning:

OPS-CPRB Recommendation	CDP Response
#OPS15-103: The parking of patrol cars in handicapped spots.	The Traffic Unit continues to patrol around the Justice Center and tickets police cars parked in handicapped spots.
#OPS15-108: The elimination of the backlog of cases in the Financial Crime Unit.	The Division continues to work on the backlog. A new supervisor was recently assigned to the Unit.
#OPS15-223: The clarification of any rules or procedures that pertain to protocol regarding CDP members' actions when dealing with calls pertaining to family members.	No Response
#OPS15-294: The implementation of protocols that offer police officers more effective ways of communicating with the deaf and hearing impaired.	The Division has access to a language service for translation along with I-Pads that allow translation in person.
#OPS17-034: The review and clarification of the language and requirements contained in General Police Order (GPO) 1 4.1.01 in order to prevent vehicles from being unnecessarily crushed due to confusion regarding notification responsibilities.	No Response
#OPS17-068: The need for dispatchers to properly communicate their calls to CDP officers, and that dispatchers regularly check to ensure that their equipment is working properly.	The dispatchers receive continual training related to their job duties and functions.
#OPS18-012: The re-evaluation and clarification of how officers handle child custody issues in the field in order to ensure that officers are enforcing proper and consistent policy when determining the custody of children.	No Response
#OPS18-048: The review and revision of the language found in General Police Order (GPO) 1.3.38. The CPRB requested that the policy be reviewed and refined so that officers are able to be better trained and better equipped to effectively communicate with individuals of limited English proficiency.	GPO 1.3.38 is being re-written. The Division is working with the DOJ for this policy.

Table 7: Policy Recommendations



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& Civilian Police Review Board**

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